

THE INDIAN FOREST RIGHTS ACT (2006) AND RIGHTS OF FOREST-DWELLERS OF KORAPUT, ODISHA

Submitted in partial fulfillment of the requirements of the degree of

DOCTOR OF PHILOSOPHY
in Geography.

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Dedicated to

the Forest-dwellers of Koraput

Abstract

This thesis is an intersectional study of forest rights of forest-dwellers in tribal territory of Koraput, India. The thesis is developed around a piece of path-breaking legislation, the Forest Rights Act (FRA) of India 2006, under which land titles and resource use rights are being granted to many forest-dwelling households and communities.This work exclusively deals with the individual title holders of forest land under the FRA. It explores three important questions: 1) what is the history of forest-rights delineation in Koraput?, 2) how are the rights of forest-dwelling people being settled under FRA? and, 3) what are the complexities of land use in these tribal forestlands?

The thesis has used a mixed-methods approach to build and connect its three focus areas. Historical aspects of local forest rights have been explored through the lens of colonial [Guha, 1983, Guha, 2000, Sivaramakrishnan, 1999, Jewitt, 2008] and post-colonial forest policy analysis [Pathak, 1994]. The investigation of the various aspects of FRA implementation and ground realities combines cross-disciplinary approaches from political [Tullock, 1965] and gendered micro geography [Jewitt, 2000a]. The analysis of emerging land use on forest lands allotted under FRA is influenced by Sens theory of entitlements, endowments and capabilities [Sen, 2001]. A multi approach assessment methodology [Norgaard, 1989] has been used by analysing a wide range of data streams including historical documents, household surveys, interviews, participatory maps, observations, group discussions and secondary data sets.

Key findings that have emerged from this thesis are, 1) the consequences of the implementation of colonial and post-colonial forest policy measures on Koraput's forest-dwellers are substantial and unique geography of Koraput has produced new insights to the existing knowledge of history of forest rights in India, 2) FRA is a promising piece of legislation that has achieved significant political and bureaucratic collaboration in Koraput, but it is marred by major operational inefficiencies, and 3) the newly created FRA-lands will provide opportunities for policy makers and title owners to reconsider many existing norms including legal versus illegal occupation of forest land, forest-farming practices on FRA lands, and a need for renewed forest and land management goals for FRA territories in tribal India.

Acknowledgements

I am extremely fortunate to have received unconditional support and endless encouragement from many people and organisations for timely completion of this thesis on forest rights. Without their help this work could not have seen the light of the day.

Firstly, I would like to thank the staff members of Foundation for Ecological Society-Koraput to have hosted me for an year in their premises. I could experience Koraput as a local because of the absolute support of FES staff. I want to specially acknowledge Dr. Mihir Kumar Jena for taking up the role of my local mentor in Koraput. I am indebted to the District Administration of Koraput which provided me with uninterrupted access to their local facilities and offices. I must acknowledge that the Local Administration also ensured my safety while I was travelling, residing or conducting field activities at various Community Development Blocks in Koraput. I am grateful to the staff of the Divisional Forest Office at Koraput for not only giving me an exceptional insight to their work but also trusting me enough to have shared their valuable office records for this thesis. Particularly, I would like to thanks the Regional Chief Conservator Forest-Koraput Dr. Ajay Kumar Mahapatra and Divisional Forest Officer-Koraput Mr Bijoy Kumar Panda for their guidance and suggestions. I couldnt have progressed even an inch in my village-based field work in Koraput if I did not had an outstanding support from my field assistants Aaditya, Laba, Kusha and Shushant. They worked with me in extremely demanding field conditions which often required immense enthusiasm to provide for language translation, assistance, driving and organising support during village work.

PhD research is a long introspective process and I could not have asked for any better guides to have helped me through it. My supervisor Prof. Charles Watkins has endowed me with his exceptional knowledge in exploring forest histories. My co- supervisor Dr.Sarah Jewitt has given me hand-held support with her expertise on Indian forestry and development. Both of them have made critical contributions into shaping and improving research outcomes. They remained very kind and giving all through the last 4 years of my research at the University of Nottingham.

I also want to extend my gratitude to my PhD colleagues, teaching and administrative staff in the School of Geography for providing a stimulating research and teaching

environment. Funding to undertake this PhD came from various institutions and individuals. I would like to thank the University of Nottingham for awarding a Vice Chancellors Research Excellence (International) Scholarship. I am thankful to the Lady Meherbai Tata Education Trust- Mumbai and J.N.Tata Endowment Trust for providing two generous study grants to undertake this research. Funds to undertake fieldwork in Koraput came as a Field Centre Grant from the Royal Geographical Society. Lastly, various travel grants were secured from the Sir Dorabjee Tata Trust- Mumbai, the School of Geography and Institute for Asia-Pacific Studies, University of Nottingham in the last 4 years.

I would also like to thank individuals and families who provided me with a home-like environment during the PhD. Dr Maria Bagiokou in Beeston, Mr. and Mrs. Reeds in Wells, Mrs Milio and Mrs. Christiana in Italy, Mr and Mrs Mohanty in Bhubaneswar, and Mr and Mrs Jena in Koraput. Finally, I would like to thanks my parents (Kaveri & Bhuvanand Khanal) , my parents-in-law (Luxmi & Om Dutt Gaur), my husband (Abhinav Gaur) and my brothers family (Priyanka & Sandeep Khanal) for their unrelenting support; before and during the PhD program at the University of Nottingham.

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List of Vernacular Terms

Abadya Ajogya Anabadi Non-cultivable waste land

Abadya Jogya Anabadi Cultivable waste land

Adivasis Indigenous people of India

Amin Land surveyor

Anabadi Wasteland

Anchal Revenue block

Anganwadi Rural mother and child care center

Baada Backyard rain fed land

Basti Village habitation sites

Beda Paddy land

Bhaliya Patta A title for using produce of cashew trees

Chait parabu A tribal festival in March-April

Chas Farming

Defayati Rights Tree produce use rights on a lease of 30 years

Dongar Hill

Gauchar Designated pasture lands

Ghar Jamaai Resident son-in-law

Gochar Grazing land

Gram Panchayat Council of village assemblies or Gram Sabhas

Gram Poramboke a record of government owned common lands in a village under Madras Land Revenue system

Gram Sabha Village Assembly

Haat Market

Hal Khata Record of land prepared by GoI after year 1980

Jaagirdar Feudal land lord

Jami Land

Jhaddu Broom grass

Jhola Riverside land

Jungle Forest

Jungle Jami Forestland

Kissam Type of land

Kui Language of Kondha tribe

Mustajari Land revenue system prevalent in Zamindaari Estates in pre-independent India

Naik Traditional chief of a tribal settlement

Naxalites Armed militants who believe in the ideology of far-left Communism

Nistar Usufruct rights

Pahada Mountain

Paik non-tribal Hindu people settled in tribal villages by King between 1450-1886 AD

Panchayat Samiti Council of Gram Panchayats

Patta Land title

Pedar Dry rain fed farm

Podu practice of Slash and burn cultivation

Rakhita A category of protected land in a village

Ryotwari Land revenue system prevalent in many parts of pre-independent India

Sabik Khata Record of land prepared by GoI before year 1980

Sargi Tree of Shorea robusta or Sal

Sarkaari Jungle Government-controlled forest (Reserved or Protected Forest)

Sarpanch Elected chief of a revenue village

Siali A creeper plant in Botany known as Bauhinia variegata

Sikimi Khata Original record of rights

Sistu Land tax

Tehsil Revenue Office

Tehsildaar Head of the Revenue Office

Tentuli Tamarind

Zamindaar A feudal landlord

Zilla Parishad A District council of Panchayats

List of Abbreviations

BDO Block Development Officer

BJD Biju Janta Dal, a political party from the state of Odisha

CFRe Community Forest Resource

CFRt Community Forest Resources title

CSD Campaign for Survival and Dignity

CSO Civil Society Organization

CWH Critical Wildlife Habitats

DFO Divisional Forest Officer

DLC District Level Committee

DNK Dandakaranya Project

DRDA District Rural Development Agency

EFO Estate Forest Officer

FB Forest Block

FCA Forest Conservation Act of 1980

FD Forest Department

FGD Focus Group Discussions

FRA Forest Rights Act

FRC Forest Rights Committee

FSI Forest Survey of India

FSO Forest Settlement Officer

FWP Forest Working Plan

GD Group Discussions

GoI Government of India

GoO Government of Odisha

IFA Indian Forest Act of 1927

II Informal Interviews

ITDA Integrated Tribal Development Agency

JFM Joint Forest Management

MFA Madras Forest Act of 1882

MFP Minor Forest Produce

MGNREGA Mahatma Gandhi National Rural Employment Act of 2005

MoEF Ministry of Environment and Forest

MoRD Ministry of Rural Development

MoTA Ministry of Tribal Affairs

NAC National Advisory Council

NGO Non-Government Organisation

NTFP Non Timber Forest Products

OFA Odisha Forest Act of 1972

OFCL Orissa Forest Corporation Limited

OGLSA Orissa Government Land Settlement Act

OTELP Odisha Tribal Empowerment and Livelihood Project

OTFD Other Traditional Forest Dwellers

PEO Panchayat Extension Officer

PF Protected Forest

PPF Proposed Protected Forest

PRF Proposed Reserved Forest

PTG Primitive Tribal Groups

RD Revenue Department

RF Reserved Forest

RI Revenue Inspector

RL Reserved Land

RO Range Officer

RoR Record of Rights

SC Schedule Casts

SHG Self Help Group

SLDC Sub-Division Level Committee

SLMC State Level Monitoring Committee

SoR Schedule of Rates

SSI Semi-Structures Interviews

ST Schedule Tribes

STSCDD Schedule Tribe and Schedule Caste Development Department

STSCRTI Scheduled Tribe and Scheduled Caste Research and Training Institute

UL Un-classed Forest

WC Working Circles

WEO Welfare Extension Officer

Measurement Units & Symbols

₹ Indian rupee : Official currency of the Republic of India

acre Acre : an equivalent of 4,047 square meters

anna Indian anna : currency of pre-independence India. One anna was equivalent to $\left(\frac{1}{16}\right)^{\text{th}}$ of a rupee

cent Cent : an equivalent of $\left(\frac{1}{100}\right)^{\text{th}}$ of an Acre

furlong Furlong : an equivalent of 201.17 meters

ha Hectare : an equivalent of 10,000 square meters

kg kilogram : a standard unit of mass

km kilometer : an equivalent of 1,000 meters

km^2 Square kilometer : an equivalent of 1,000,000 square meters

masl Meters above sea level

Maund Maund : an equivalent of 25 pounds or 11.34 kilograms

mi Mile : an equivalent of 1,609.3 meters

mi^2 Square Mile : an equivalent of 2,589,988.1 square meters

mm millimeter : an equivalent of 0.001 meters

tonne Tonne : an equivalent of 1,000 kilograms

Chapter 1

Introduction to the Problem

1.1 Background

The rights of forest-dwelling populations of India (known as *Adivasis*) have inspired profound academic interest. Pioneering work undertaken by Indian forest intellectuals [Guha, 1983, Guha and Gadgil, 1989, Pathak, 1994, Gadgil and Guha, 2000, Sivaramakrishnan, 1995, Sivaramakrishnan, 1999] was inspired by the emergence of powerful forest-centred socio-political movements and a thriving environment for forest-based activism in India [Sundar et al., 2001, Sarin, 2010]. Research in the field of rights over forest land and resources, is further stimulated by increasing global interest in the forest rights of indigenous people [Anaya and Williams Jr, 2001, White and Martin, 2002].

In the last three decades, India has initiated some key forest-dweller oriented programs such as, Social Forestry, Tree-Grower Cooperatives, and Joint Forest Management. These initiatives has drawn world-wide attention for their structure, impacts and shortcomings [Poffenberger et al., 1996, Sundar et al., 2001, Bhattacharya et al., 2010]. However, these efforts did not substantially challenge the legal status of forest-dwellers' rights in local forests [Sarin, 2008, Sarap and Sarangi, 2009] and India's forest and forestland remained state-controlled entities. Particularly after India's independence, the National

Forest Policy discouraged the dispensing of rights to traditional forest-dwellers causing widespread conflict between the Government of India (GoI) and forest-dwellers [Pathak, 1994, Sundar et al., 2001, Sarin, 2008]. Formerly, with the establishment of the Indian Forest Act in 1865, various institutional means were put into place to control the rights of local forest communities. In the last 150 years of organised forestry in the country, forest rights were downgraded as privileges and concessions [Elwin, 1964, Guha, 1983, Guha and Gadgil, 1989, Jewitt, 1995, Kumar and Kerr, 2012]. Consequently, Indian forest-dwellers continued to lose access to their homestead lands, agricultural lands, forest lands under various State-sponsored programs [Pathak, 1994, Kumar and Rao, 2004] thus enduring constant injustice at the hands of the Government [Sivaramakrishnan, 1999, Sarin, 2010, Springate-Baginski et al., 2009]. On the other hand, most of the efforts to reconcile relationships between forest-dwellers and the State had failed due to a lack of effort to provide security of tenure on forestlands [Sarin, 2010]. The issue of tenure rights of forest-dwellers in forest landscapes of India remained unsettled and fiercely contested.

1.2 The Forest Rights Act of 2006

Acknowledging the long-drawn-out injustices experienced by forest-dwellers, the Parliament of India approved the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, or the Forest Rights Act (FRA) in 2006[1]. The Act aims to rectify discrimination against forest-dwellers who have traditionally cultivated or resided on forestlands and had no rights or tenure security over their lands. In this Act, forest-dwellers are identified as Schedule Tribes (ST)[2] and Other Traditional Forest Dwellers (OTFD). The Act recognizes and entrusts eligible forest-dwelling claimants with various kinds of individual and collective rights to forestlands. Many State Governments in India started implementing the Act after its Rules were notified on 1st January 2008. In Table 1.1 I have discussed different kinds of rights provided under this Act.

[1]Complete Rules, Guidelines and Associated Circulars of the Act can be found in [MoTA, 2014].

[2]The Constitution of India refers to ST as those communities who are Scheduled in accordance with the Article 342 of the Constitution of India. `https://tribal.nic.in/DivisionsFiles/clm/1.pdf`

Table 1.1: Different kinds of rights under FRA

Section	Rights	Summary
(a)	Individual or community right for habitation or cultivation	It provides for individual (up to 9.88 acre) and community tenure (no limit) to ST and OTFD
(b)	Rights of usufruct or Nistar	Restoring customary usufruct rights over forest areas that were legally recognized prior to 1947
(c)	Rights on Minor Forest Produce (MFP)	MFP or Non Timber Forest Produce (NTFP) including Tendu (smoke leaves), canes, bamboo and other products traditionally collected within or outside village boundaries
(d)	Community Rights over Common Property Resources	Settling rights on water bodies, grazing areas, sacred sites, graveyards and seasonal use of forestland by nomadic and pastoral communities
(e)	Rights of Primitive Tribal Group (PTG) and other pre-agriculture communities	Providing community tenure over their customary habitats
(f)	Rights over disputed lands	Recognising individual and communal claims
(g)	Conversion of *Patta*/lease/grant to titles	Any form of title previously granted by the State to be converted into forest title
(h)	Rights of settlement and conversion of unrecorded habitations to revenue villages[3]	All forest villages, old habitations, unsurveyed villages and other villages in forests whether recorded, notified or not, to be converted into revenue villages
(i)	Community Forest Resource Rights	Right to protect, regenerate, conserve, manage traditional community forest areas
(j)	Rights for customary or traditional rights recognized by the State	Under any State law or Autonomous District Councils or Autonomous Regional Councils or others
(k)	Right of access to biodiversity and intellectual property	Rights of communities over their rich indigenous knowledge of biodiversity
(l)	Right to any other traditional right not mentioned in clauses (a to k)	Excluding traditional rights of hunting or trapping or extracting a part of the body of any species of wild animals
(m)	Right to in-situ rehabilitation	This includes claiming rehabilitation on alternative land in cases of illegal eviction or displacement from forest land of any description, w.r.t 13th Dec 2005

Table continued on next page

[3]A village included in the revenue collection records of Government with clearly established Record of Rights (RoR).

Table 1.1 – *Table continued from previous page*

Section	Rights	Summary
Chapter 3		
Section(2)	Right for development of infrastructure facilities	The Central Government to provide notification on any diversion of forest after taking recommendation from the village assemblies or the *Gram Sabhas* for forestland less than 1 ha and if exceeding felling of more than 75 trees/ha. Development of schools, dispensaries or hospitals, Mother and child centres, fair price shops, electric and telecommunication lines, tanks and minor water bodies, drinking water supply and water pipeline, water or rainwater harvesting structures, non-conventional sources of energy, skill-based learning and training centres, roads and community centres.
Section 4(2)	Rights in Critical Wildlife Habitat (CWH)	While creating inviolate areas in the CWH of National parks and Sanctuaries, adequate considerations to be given to modify any rights given under FRA

As Table 1.1 illustrates, FRA provides ample opportunities and legal spaces to secure rights to forestland and forest resources for the ST and OTFD communities in India.

1.3 Problem Formulation

In India, the relationship between forest-dwellers, forest-authorities and forestlands have been in constant tension since modern forestry was introduced in the 1860s [Guha, 1983, Pathak, 1994, Jewitt, 1995]. FRA has now been in place in these contested regions for over ten years and the initial effects of its provisions have drawn significant attention from researchers and development groups [Springate-Baginski et al., 2009, Bose, 2010, Bose, 2011, Larson et al., 2012]; especially given its potential to challenge the existing system of forest governance in tribal-dominated or the Schedule V regions[4]

[4]Schedule V regions are the tribal populated regions outlined in the Fifth Schedule of the Indian Constitution. This region comprises of areas falling in 9 States of India- Andhra Pradesh, Jharkhand, Gujarat, Himachal Pradesh, Maharashtra, Madhya Pradesh, Chhattisgarh, Odisha and Rajasthan.

Work on conservation forestry in India has traditionally indicted forest-dwellers for destroying forests [Terborgh, 2002, Karanth et al., 2006, Karanth et al., 2008], while social and anthropological research on forests and people has drawn attention to community-oriented forestry practices of forest-communities [Nagothu, 2001, Goswami et al., 2014, Bhagwat et al., 2014, Osuri et al., 2014]. Only a few studies [Singh, 2013, Dash and Behera, 2015] have highlighted the relevance of securing forestland tenure for forest-dwellers to improve forestland management outcomes. Research on the colonial legacy of forest management in India has argued that isolation of the management priorities of forest landscapes from the welfare strategies of forest-dwellers is one of the major shortcomings of scientific forestry in India [Guha and Gadgil, 1989, Sivaramakrishnan, 1999, Pathak, 1994]. With the FRA's arrival, it is expected that a new socio-political dynamics would emerge in the geographical clusters where forest-dwelling groups are based. FRA is also seen as a revolutionary instrument in light of the renewed interests on the aspects of historic injustice experienced by forest-dwelling communities of India [Springate-Baginski et al., 2009, Sarin, 2010].

Data from the GoI shows that by August 2016, about 1.67 million tribal households (husbands and wives) have received individual *Pattas* on forestland under this Act. In addition, several *Gram Sabhas* are in the process of applying for various kinds of collective rights and titles. The State of Odisha has been at the forefront of FRA title settlements as 20.9% of total claims under individual forestland are settled in the State. Within Odisha, the tribal-dominated southern regions have settled the highest number of individual rights. In the District of Koraput 25,742 individual titles have been issued [MoTA, 2016a] thus, making it one of the most prominent regions for FRA implementation in the State.

However, there is little knowledge about how this rights settlement process is manifested locally; especially in isolated geographies. Micro-geographical perspectives on FRA implementation are yet to be explored in the State. This thesis seeks to address this gap by exploring the FRA process in a part of Koraput known as Highlands. In doing so, this research will bridge the knowledge gap between existing historical narratives on forest-

rights in colonial and post-colonial India with contemporary understandings of the forest rights settlement process in Koraput. While doing so, it provides an opportunity to understand the extent to which historic injustices are being addressed through FRA.

1.4 Aim, Objectives and Research Questions

Given this background, the aim of this thesis is to contribute further to the understanding of the complexities of forest rights recognition in India, with a focus on micro-geographies of land use in a tribal territory. The importance of forestland to the livelihood security in tribal territories is unquestionable [Poffenberger et al., 1996, Bhattacharya et al., 2010, Kothari et al., 2011]. However, over many decades, local forest cover [Reddy et al., 2013] and forest use [Saxena, 2003] have changed substantially. An effort like FRA should invoke a reconsideration of customary forest lands with the current-day realities of occupation and use. To this end, the research is based in the Highlands of Koraput which is a tribal territory located on the northernmost point of the Eastern Ghats Ranges in the State of Odisha (see Section 3.5 for a discussion on site selection).

Four objectives inform the analysis in this thesis;

1. How are the rights of forest-dwellers reflected in Koraput's forest history? This objective entails constructing a history of forest development in Koraput and understanding its inherent aspects, focussing on traditional or customary use of forestland in the region. Research questions considered under this objective are;

   (a) When and how have local inhabitants been recognised as forest-dwellers?

   (b) What kind of forest practices prevailed at different time periods (pre-colonial, colonial and post-colonial) in Koraput?

   (c) How have national and local forest policy development impacted forest-dwellers' access to, and use of forestland in Koraput?

2. How are forest rights being settled in Koraput under the FRA? This objective is focused on exploring the ground-based realities of FRA implementation including examination of aggregate statistics on individual forest rights released by the GoI. Research questions that have supported this exploration include:

   (a) What class of people have made and received land titles under FRA?

   (b) What local processes have been undertaken to settle claims under FRA?

   (c) What conditions facilitate successful claim-making under FRA?

   (d) Does the gender of the claimant influence the success of the claim?

   (e) Has the FRA addressed historical injustices in Koraput?

3. What role did politics play in forestland settlement in Koraput? The following research questions have been raised to investigate the political nature of forest rights settlement in Koraput:

   (a) What did the local government do to scale up FRA?

   (b) Is FRA a demand-driven process?

   (c) To what extent have local politics affected the implementation of the Act?

   (d) What role has been played by the local bureaucracy involved in FRA?

4. What are the land use practices on the land settled under FRA? Research questions under this objective include:

   (a) How are the changes in forestland use reflected in Koraput's forest rights settlement process?

   (b) What are the modalities of forestland use and occupation in Koraput?

   (c) What is the local understanding of forestland occupation in Koraput?

1.5 Scope of Research

This thesis deals exclusively with individual titles holders of forestland in Koraput who have received titles under the FRA. Although collective rights and community titles are an essential part of debates on forestland rights, at the time of research these rights were yet to be formalised in any significant way in the study region. The absence of data on collective rights therefore prevented any detailed investigations from being carried on this topic. Thus, this thesis restricts its focus and analysis to the context of individual forest rights that have been settled in the study region.The Highlands of Koraput represents unique micro-geographies which are partially isolated, tribal dominated, forested, and are underdeveloped in context of International Human Development Indicators. Therefore, emphasis of this thesis is on developing local and micro-geographical insights into the impacts of forest rights withdrawal and rights settlement such unique geographies rather than on the production of generalizable findings on a larger scale. However, the thesis feeds directly to the efforts of knowledge creation on issues of tribal development and forestland management on national and international scales, and has broader relevance for policy makers in terms of findings which will relate across the fraternity of tenure security and natural resource management.

1.6 Theoretical Foundations of the Research

This research falls within the domain of human geography, borrowing extensively from the sub-fields of historical, development, cultural, political and gendered geographies. Thus, it is enriched by the philosophy of methodological pluralism as discussed in [Bell and Newby, 1977, Norgaard, 1989]. The use of interdisciplinary approach has enabled the researcher to borrow methodology and philosophies from various disciplines of social sciences. Koraput's forest history builds upon and contributes to wider debates within cultural and historical geography, particularly in the domains of colonial and post-colonial forestry and environmental histories of woodlands [Jewitt, 1995, Jewitt, 2002, Watkins,

1998, Watkins, 2014, Endfield, 1998, Bryant, 1996]. At the same time, rights of forest-dwellers and forest governance draws on and contributes to research within development geography [Corbridge and Jewitt, 1997, Blaikie and Springate-Baginski, 2007] and gendered grography [Jewitt, 2002, Jewitt, 2000a, Nightingale, 2002].

Additional theoretical foundation that have informed the synthesis of forestland tenure reforms under FRA includes the theory of property rights [Demsetz, 1974] and the bundle of rights approaches [Feder and Feeny, 1991]. Of relevance in context of Koraput is the entitlement-endowment-capability approach [Sen, 2001] as practised in the context of forest land tenure reforms and communities [Sikor and Nguyen, 2007]. In the case of forest rights, endowments consist of legitimate rights over resources, entitlements signify utilities derived from secure forest rights and capability implies factors that enable endowment holders to derive utility from the rights granted to them. These theoretical influences are significant in understanding the local land dynamics that have emerged out of FRA. The analysis of FRA-related politics and bureaucracy meanwhile adds to the broader scholarships on the political geography of rights settlement [Williams et al., 2003, Corbridge and Kumar, 2002]. While an emphasis on the politics of bureaucracy [Tullock, 1965] as applied to plantation decisions in Indian forestry [Fleischman, 2014] has found an extensive resonance in the way FRA-related title and land use decisions are being made in Koraput.

Chapter 2

Literature Review

2.1 Colonial Forestry and Rights of Forest-Dwellers in India

Historical and political narratives on colonial forestry in India have produced key insights on issues of forestry, forest-dwellers and forest rights [Guha, 1983, Guha, 2000, Joshi, 1983, Haeuber, 1993, Sivaramakrishnan, 1999, Saravanan, 2007]. With the arrival of British Imperial forestry in India in the early 18^{th} century, record keeping of practices in Indian forestry begin on an extensive scale [Stebbing, 1922, Bryant, 1996]. It provided a means for the replication of India-tested practices in other British colonies [Barton, 2002]. In Table 2.1, I have summarised some key events of Indian colonial forest policy development that had a direct impact on the rights of forest-dwellers in the country.

Table 2.1: Milestones of colonial forestry in India

Period	Event	Policy Direction and Impact
Before 1806	Lack of formalised system	Unrestricted clearing of forest was encouraged for agriculture and timber species were the focus. Forest was under the occupation of local kings and tribes had unrestricted access.

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Table 2.1 – *Table continued from previous page*

Period	Event	Policy Direction and Impact
1806	First Conservator of Forests appointed in India	Supervisory extraction of teak (*Tectona grandis*) from Malabar and Travancore regions founded a base for introduction of systems to extract timber.
1821	Forest settlement in Himalayan forests	Survey and demarcation procedures for villages and forestlands introduced. A part of forestland classified as wastelands. Inhabitants allowed full access to these wastelands for agriculture purposes.
1855	Memorandum on Forest Conservation released	Teak declared as a State property. Monopoly exercised on valuable trees. Conversion wasteland to farmland continued. Restricted access of inhabitants to State trees.
1862	Establishment of Imperial Forest Department	Old forest administration system declared a failure. New emphasis laid on controlling logging under supervision of a National Forest Department.
1865	The Governments Forest Act of India	Government Forests outlined for the first time. Access to local forest areas came under the preview of the Act. Customary use of forest classified as rights.
1878	Indian Forest Act	This Act established a system of classifying forestlands as Reserved, Protected and Village Forest. Any land could be declared as forestland using procedures for forest reservation. Customary rights of locals reduced to privileges and were heavily curtailed.
1894	J.A.Voelcker Report and resolution on forest policy	The report pushed for agricultural expansion and watershed protection on forestlands. Forests were reclassified as Protection Forests, National, Minor Forests and Pastures. Local use of forest allowed after paying a fee and for as long as it did not harm imperial interests.
1927	Revision of the Indian Forest Act	Practices of Forest Officials were codified, and private forests were brought under the Act.
1935	The Government of India Act	Forest included in the Provincial List thus different rules for forest use emerged in different provinces.

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Table 2.1 – *Table continued from previous page*

Period	Event	Policy Direction and Impact
1944	Post-war Policy Statement on Forests	Preservation of physical and climatic conditions and increase in revenue from agriculture became the priority for forest management. A minimum amount of forest was to be maintained for well-being of the immediate environment.

As discussed in Table 2.1, the key priority of the colonial forest establishment was to maximise revenue from timber and farm activities. Forest-dwellers found little space in these policy considerations [Sivaramakrishnan, 1999] which were otherwise projected as progressive by the British [Stebbing, 1922]. [Bryant, 1996] has criticised the dominant discursive representation of colonial forestry as a progressive endeavour. He argued that the commercialisation of forestry in the works of British Officers, mainly through their books, articles and official reports, had deliberately ignored popular opposition to State-controlled forestry. An argument which is also reflected in the work of [Barton, 2002].

Indian researchers have shown that under the customary system of land management in pre-colonial India many forest-based communities had uninhibited rights over forest landscapes [Roy and Rizvi, 1990, Chakravarty-Kaul, 1996, Mahapatra, 2002]. The customary forest rights were without any written records and were communal in nature [Guha and Gadgil, 1989]. With the arrival of Indian Forest Act in 1865, these rights were dismissed with a stroke of legislation. The British Administration took control over a large range of traditional forestlands by referring to the system followed by the Indian Royals who used to maintain hunting forests and sacred forests and reserved important trees like Teak and Sandalwood for exclusive use [Sivaramakrishnan, 1999, Guha, 2000]. This loss of customary use of forestlands which often sparked aggressive resistance from forest-dwellers [Guha, 1983, Rangarajan et al., 1999, Guha, 2000, Barton, 2002].

[Sivaramakrishnan, 1999] has outlined in detail the process which was practised by the British Administration to establish imperial forestry in Bengal Presidency. The ap-

proach primarily consisted of two stages. First, some British officers were sent to the new territories to produce reports linking deforestation with hydrological regimes and highlight impending environmental damage to the region. Second, influential officers were sent to make recommendations on the need to introduce state-controlled forestry to ensure a supply of timber and increasing revenue for the Empire. According to this study measures including administrative structures, legislation and land settlement programs were used as key instruments to exercise colonial power over many forest and land resources in India.

Going back to the Table 2.1 with the arrival of the Charter of Forestry in 1855, emphasis on classifying forestlands based on their timber yield gained much prominence [Stebbing, 1922]. Subsequently, farmers were encouraged to convert non-revenue generating lands (which were classified as wastelands and often included forest-occupied lands) into farmlands [Haeuber, 1993]. This coupling of agriculture expansion policy with forest policy gained further support from the recommendations made by [Voelcker, 1893]. In the same year the British Government released its first forest policy. [Guha, 1983] elaborated that this new policy emphasised preservation of forests by controlling the rights and privileges of local users. Subsequent forest legislation resulted in further reduction of forests available to local forest-dwellers, as more and more land was brought under cultivation. To distinguish revenue-generating private lands from non-revenue generating wastelands, compensation was only provided for private farmland lost to the State's intervention and not for lost forestlands, thus creating a disincentive for forest-dwellers to keep forest land forested [Washbrook, 1981]. In the context of tribal India, since the colonial period, forestry and agriculture has been seen as two separate dominions and this consideration was unsuitable for the tribal regions of India where the difference between these two systems was vague [Guha, 1983]. An extensive overlap of forestry and traditional farming practices in the tribal heartlands of India placed these regions in an uncertain position in relation to forestry and agriculture legislation.

In the Indian Forest Act of 1865, all customary use of forestlands by forest-dwellers in government controlled forests were declared as rights. In 1878 all these rights were

further reduced to privileges. [Sivaramakrishnan, 1999] elaborates that under the 1865 Act, Gazette Notifications were used expansively to declare lands as Reserved Forest or Protected Forests or Village Forests; curtailing the rights of forest-dwellers in such notified forest areas. In tribal regions like Jalmahal (present day North Odisha) in the absence of written records many pre-agriculture groups lost a large area of their traditional habitats to the State. [Guha, 2000] discusses that the taking over of traditional forestlands (or wastelands) by the Colonial State had profound impacts on the landscape and lives of many tribes. It affected them from all directions, by changing their relationship with their forests, by raising tension between forest administration and tribes; and by changing the composition of local forests. [Springate-Baginski et al., 2009] observes that some Indian colonial forestry decisions should be considered as critical junctures as these had long lasting implications on the subjugation of rights of forest dwelling populations in tribal India, particularly in the central heartland of the country.

2.2 Post Colonial Forestry and the Rights of Forest-Dwellers in India

Previous research has concluded that there is an innate continuity in the forest policies of colonial and post-colonial India. In the two centuries of development, Indian policy on forests has not seen any substantial departures from colonial ideas of forest management [Haeuber, 1993]. Two independent analyses of major forest legislation [Guha, 1983, Guha and Gadgil, 1989, Sivaramakrishnan, 1995], starting from 1865 and until 1980, have found that the colonial acts continued in the post-colonial period with minimal changes. Table 2.2 shows major post-colonial forestry developments in independent India.

Table 2.2: Post colonial forest policy milestones in India.

Period	Event	Policy Direction and Impact
1950	Constitution of Central Board of Forestry	Integrating forest policy and practices to all levels of governance.

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Table 2.2 – *Table continued from previous page*

Period	Event	Policy Direction and Impact
1952	Government of India resolution -Statement on Indian Forest Policy	Forest Act of 1927 was adopted as such. National interest placed above all other rights. Forest was re-classified[5] as Protection forests, National Forests, Village Forest and Tree lands. Privileges were further reduced to concessions. Need for a new National Forest Policy emphasised.
1963	Central Board of Forestry sought suggestions to amend the Forest Act of 1927.	Numerous suggestions were received.
1970	Constitution of National Commission on Agriculture	Suggested formulation of a new Forest Policy. Un-classed and Protected Forests to be Reserved so that concessions could be discontinued. Classification of forest on functional basis. Encroachment and unauthorized use of forest by rural population made unacceptable and Social Forestry was proposed for 5^{th} Five Year Plan.
1974	42^{nd} Amendment to Constitution of India	Forest brought into concurrent list for joint decision making from National and State Governments. Many States requested the National Government to help settle claims of forest-dwellers on forestlands.
1980	Enactment of Forest Conservation Act (FCA)	No clearance of forest without Central Government permission. Forest infractions to be punished severely. Forest Officers assigned with magisterial powers. The definition of forestland expanded to cover whatever land State wants to declare as forest.
1981	Draft Forest Bill introduced	81 of the 84 sections of IFA 1927 were replicated. When a Protected Forest is to be converted into a Reserved Forestall use rights to be suspended for 30 years. The bill enticed wide discussion and was rejected creating space for a New National Forest Policy
1988	National Forest Policy	National Interest kept a priority. Conservation of forest and wildlife made a key goal. Integration of rural communities and forestry made a priority

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[5]The 1952 statement did not use the existing classification of Reserved Forests and Protected Forests. These classes were merged as National Forests (for timber supply) and Protection Forests (for environmental protection).

Table 2.2 – *Table continued from previous page*

Period	Event	Policy Direction and Impact
1992	Joint Forest Management	Village forests and parts of degraded National Forests were to be handled jointly by the village committees and Forest Department. Provisions were made for a share in the final harvest and privileges to collect firewood and forest produce for domestic consumption was provided.
2006	Forest Rights Act	Act brought in by the Parliament to settle customary forest rights on forestlands in tribes dominated regions of India. Implementation led by the Tribal Department.

In independent India, in 1952 the Central Board of Forestry had approved to continue with the colonial Forest Act of 1927. However, in light of forest rights of local forest-dwellers, it introduced new terms of 'national forests' and 'national interest' to the list of forest use priorities. [Sarin, 2010] has argued that the myth of a national forest in post-colonial India is erroneous and unconstitutional as it dislodges the legal position and land rights of forest-dwellers in India. Until the early 70s a large part of the ex-Madras Presidency area was still controlled by the Madras Forest Act (MFA) of 1882. This act was never amended in post-independence period.

[Saravanan, 2007] has discussed that the MFA allowed tribal forest-dwellers to claim rights over essential services like roads, water courses, some non-timber produces and pastures, but these rights were granted intermittently according to the wishes of the local forest administrators. Breaching forest law could land a tribal into jail for six months or required a heavy penalty or both. Severe sanctions were made on extraction of reserved trees and clearing of forests. Additionally, tribes were required to provide free services to the Police, the Revenue and the Forest Department (FD) Officers. This resulted in constant harassment of forest-dwellers in MFA-controlled regions. Even in post-independent India, forest-dwelling communities resisted forest acts leading to direct armed confrontations between State and people, most notably in Uttarakhand [Guha,

2000], Bastar [Ramnath, 2001], Jalmahal [Sivaramakrishnan, 1995] and Andhra Pradesh [Rangachari and Mukherji, 2000].

In the context of Odisha, [Kumar and Kerr, 2013] sheds light on the procedures used for territorialisation of forestland. Most importantly, land surveys, settlement and notification of forestland[6] under IFA and MFA were used extensively by the State. As happened elsewhere in India, refusal of rights to tribes under forest laws led to numerous problems including: loss of community control over local landscapes, criminalisation of daily practices and livelihoods, extraction of local surplus by officials; eviction, displacement, loss of livelihoods, increase in poverty and malnutrition in displaced communities; increase in conflicts and violence against the State representatives and continuous degradation of land and ecosystems in Odisha [Kumar and Kerr, 2012]. During the framing of successive National Forest Policies in India, traditional practices like shifting cultivation and communal hunting were uprooted through dedicated interventions. These two issues alongside the constant harassment of forest-dwellers are at the crux of the historical injustice arguments made against the whole forest policy set up in the tribal territories of India [Springate-Baginski et al., 2009].

In 1972, forests in Odisha were brought under a single piece of forest legislation, the Odisha Forest Act (OFA). In that period forest legislation in many other States were upgraded. According to [Pathak, 1994] forest-dwellers' perspectives were guided by their local subsistence needs and the perspective of the Indian State was bound by the concerns over global environmental protection. He elaborated on the tensions between forest-dwellers from the western and northern plains of India and the Indian State in the 1970s, where neither the State nor the forest-dwellers were able to get through their individual agendas. [Tucker et al., 2012] has elaborated the strategic overhaul of the Indian National Policy and its emergence under the canopy of global environmental and market-based discourses, which started in the 1970s. Under global political circumstances the

[6]Forest Settlement can include any of the following activities- surveying forest boundaries, settlements of rights, notifications of new forest blocks, monitoring of boundary pillars and other activities related to declaration and maintenance of forest boundaries. Forest Notifications are used to declare any forest as Reserved Forest or Protected Forest under various sections of the Forest Conservation Act-1927 of India.

first National Forest Policy of India was released in 1988. The critique of this policy has been of interests to many researchers [Arora, 1994, Sarin et al., 2005, Joshi et al., 2011].

There is clear evidence that forest-dwelling communities across India were impacted by the colonial and post-colonial forest acts. However, there are only a few insights on how the rights of the different kinds of forest-dwellers were impacted by this forest legislation. The intensity of resistance demonstrated by forest-dwellers who came from accessible forest regions was more visible to those from the interior tribal regions. Many far-flung regions remained without voice for a long time. For instance, the well-known *Chipko* (hug a tree) movement of Uttarakhand was weaved around high caste Hindu villages but similar movements did not develop in tribal regions. [Guha, 1983] is of the opinion that as the tribal landscapes of Central India was administered and ruled by non-tribal kings and their men, a sense of collective protest could not be realised in tribal territories. Moreover, many tribal areas were part of independent regions within British India; for instance, the Princely Estates. These Estates responded indifferently to the unrest caused by restrictive British policies and the British Administration remained insulated from local resistance in these Estates [Guha, 1983]. Forest-dwellers of tribal India have remained out of mainstream focus for years in forest management [Anderson et al., 1988].

The colonial administration and the Government of independent India considered tribes practising slash and burn farming as a big threat to forest growth. Controlling shifting cultivation was one of the key pursuits of forest management in tribal regions [Ramakrishnan, 1984]. Forest legislation particularly dissuaded tribes from practicing shifting cultivation as it was seen as a wasteful and damaging practice [Mohapatra, 1994]. However, new research now acknowledges that in forest-communities of Central and North-east India the use of forest and forestland for farming was mostly non-exploitative [Ghate et al., 2013, Tiwari, 2010]. In general,ecological suitability of slash and burn in tribal territories have found support by early research as well [Ramakrishnan, 1984, Kleinman et al., 1995].

[Pathak, 1994] has discussed the policy environment between 1970s and 80s and the

role of the National Commission of Agriculture (NCA) in drafting the National Forest Policy. The NCA not only reinforced ideas of maintaining forest for revenue but also suggested keeping forest-dwellers away from forests. Thus continuing the legacy of ideas from the colonial agriculture and forestry management. It suggested growing trees on private lands under farm-forestry programs and raising trees on village common lands under social forestry programs. The Forest Conservation Act came into being in 1980, followed by the National Forest Policy in 1988. The key tool introduced via these legislative upgrades included discouraging forest-dwellers from using forest lands and rewarding them for their efforts of forest conservation. In line with this, in 1991 a program of Joint Forest Management was conceptualised, wherein, forest-dwellers were asked to come in partnership with local FDs in protecting a part of their surrounding forest area [Tucker et al., 2012, Jewitt, 1995]. These programs have been the focus of many impact studies. [Pathak, 1994] raised sharp concerns about such partnership plans and noted that the forest programs in India have failed to bring together the divergent priorities of forest-dwellers, forests and forest administration over the years. Similar concerns were raised by [Anderson et al., 1988, Poffenberger et al., 1996, Blaikie and Springate-Baginski, 2007].

An essential character of forestry legislation was to classify and re-classify forest and forestlands into operational classes. [Sarin, 2010] questioned the intentions of classifying various types of land as forestland and the direct impact it had on the alienation of tribes from their territories[7]. Frequent use of Forest Notifications as a legal tool in the years after 1980 is considered a direct violation of other acts including the Forest Conservation Act of 1980, the Wildlife Protection Act of 1981 and the Panchayat (Extension to Scheduled Areas) Act 1996 by some researchers [Kumar and Rao, 2004]. The need to harmonise the conflicting and non-complimentary sets of laws operating in tribal areas have found support in wider debates on forest rights [Sarin et al., 2005], conservation [Kothari et al., 2011] and legislative reforms [Sivaramakrishnan, 1999, Parikh, 2013].

[7]According to [Sarin, 2010] the existing recorded forest area of 77 million ha is misleading and there are numerous conflicts with other land -related ministries. The net area of state forest increased from 41 million ha in 1951 to 67 million ha in 1988. Large forest areas which are classified as forest land today were earlier revenue lands.

As shown in Table 2.1 and 2.2 and discussed herein, forest policy development in India has a complex and dynamic history which has been explored in depth by previous researchers. There exists substantial research confirming the denial of forest rights and historic injustice done to forest-dwelling communities from the Western Himalayas [Guha, 2000], the Western and Northern plains [Pathak, 1994], the province of Bengal and Assam [Sivaramakrishnan, 1995], the Chota Nagpur Plateau [Jewitt, 2008, Jewitt, 2000b] and Andhra Pradesh [Ramnath, 2001]. Lately, research from South Odisha [Kumar and Kerr, 2013] have also got some attention, but, more needs to be explored in that large tribal territories.

2.3 Contemporary Issues Surrounding Forest Rights

Recent research on forest-dwellers in India has extensively focused on the co-existence of forest-dwellers and forest resources considering conservation-development paradigms [Badola, 1995, Brown, 2002, Jewitt et al., 2014], forest income-poverty [Shah, 2010, Reddy and Chakravarty, 1999] and forest as commons [Agrawal and Ostrom, 2001, Chhatre and Agrawal, 2008]. However, research on tenure security of forest-dwellers and its relevance to their life security has remained little explored. As the focus of this thesis is on tenure reforms in forestry, the following section discusses key themes in the literature concerning forest tenure security.

2.3.1 Tenure Security and Forestlands

The importance of secured tenancy over forestland has emerged as a key recommendation from development-related literature on India's forest-dwelling communities; particularly in light of wider debates on climate change, deforestation and forest protection [Vijge and Gupta, 2014, Temper and Martinez-Alier, 2013, Oskarsson, 2015]. Although the issue of forest-dwellers' tenure security as a standalone question has not received attention in any

research on India forestry to date, FRA provides a critical opportunity to visit forest-dwelling communities of India and understand what difference secure tenure rights have brought to them.

Globally, there are only a handful of studies about individual forestland entitlements to indigenous communities. [Sikor and Nguyen, 2007] investigated the status of statutory rights of two Vietnamese forest-dwellings communities to forestland. They argued that when equal rights over small patches of forestland were given to groups of households, not every right-holder could benefit equally. They applied the entitlement, endowment and capability approach by [Sen, 2001] in context of right-holder's abilities to take advantage of devolved rights. Study showed that it depended on political, economic and social factors which affected right holding households, and the poorest of the poor found themselves in a disadvantaged position in an unequal playing field. In another relevant study, [Xie et al., 2013] explored the land investment priorities of Chinese households who had received individual forestland titles from the government in the early 2000s. Results indicated that positive attitudes and higher income from forestlands encouraged farmers to invest in improving their forestlands. However, higher off-farm income and education levels discouraged farmers from working on their forestlands. Relatively well to do farmers who had timber-logging contracts invested in improving their forestlands. Thus, with the overall increase in stake through improved land rights the involvement of forestland owners in forestland management in the region increased. These results point towards some possible developments that forest rights can bring to FRA households. In India research insights are yet to emerge about FRA-claiming households.

2.3.2 Shifting Agriculture

Hilly regions of Odisha have a long history of shifting cultivation. As discussed earlier, shifting cultivation was perceived as the largest threat to forest growth by the colonial and post-colonial forest administration [Sivaramakrishnan, 1995]. GoI in its pursuit to stop slash and burn farming had commissioned a number of studies about it [UNESCO,

1983, GoI, 1967]. In Odisha, efforts were made to enumerate the area under shifting cultivation [Mohapatra and Mohapatro, 1997] and the number of tribal people depending on shifting cultivation [Pati et al., 1984]. The long-term history of this kind of farming in South Asia shows that the Northeast peninsula and South of India are the two major geographical regions where shifting cultivation was being practiced until 2010. The study further mentions that shifting farming was extensively practiced in the interiors of Odisha and there was a constant movement of tribal groups from Central India to the hills of Odisha between 3000 and 2000 BC [Kingwell-Banham and Fuller, 2012]. Until the late 1980s, this form of cultivation was rampant in the hill regions of Southern Odisha [UNESCO, 1983].

The relevance and understanding of shifting farming landscapes is important for the Forest Right Act. Section 3 (1) (e) of the Act provides a separate space for tribes to settle their rights on forestlands including claims on shifting farming lands. Initial data from the GoI suggests that there is a lot that needs to be done to enable such communities to seek their forest rights. The study area (the undivided Koraput region of Odisha)[8] has a well-documented history of large scale shifting farming [Pati et al., 1984].

2.3.3 Identity of a Forest-Dweller

FRA is linked with the identity of a person as a forest-dweller. Groups that are entitled to forest rights settlement include ST which are a general socio-political group of indigenous people in India. Another broad group is OTFD which does not have a clearly defined identity and can include non-scheduled forest-dwellers including Scheduled Castes, Other Backward Classes or anyone who can prove that they have depended on forests for three generations or 75 years. With such specifications to become eligible for FRA it was anticipated that FRA would generate numerous identity-related contests. [Bose, 2012] has argued that under the pretext of FRA, forest-dwellers belonging to ST are using their

[8]The practice of shifting-cultivation is considered illegal under the FCA-1980 of India, but the FRA has included the practice of shifting-cultivation as a separate category. This brings the MoTA and the FD in direct conflict.

tribal-identities to re-establish their political positions as rightful holders of land.

FRA also presents challenges of accommodating different forest-dwelling groups under one scheme of forest rights settlement. [Gooch et al., 2009] draws attention to the nomadic pastoralist communities of the North-West India. The present-day system practiced by such pastoralist groups has become a mix of traditional migratory practices and a settled citizenry, thus posing operational challenges in implementing FRA. This highlights the fact that forestland settlement under FRA needs to be flexible to give space to the myriad varieties of forest-dwellers.

2.3.4 Property Rights, Ownership and Forestland

An understanding of property rights becomes crucial in foreseeing the future of FRA-lands. In rural communities, constitutional and institutional arrangements for property rights are essential to reduce inefficiencies of credit and land markets that surrounds it [Demsetz, 1974]. The theory of property rights discusses exchange of property as various 'bundles' signifying attributes which are involved in every transaction. Table 2.3 sums up key attributes of property rights as seen in the traditional 'bundle of rights' approach [Feder and Feeny, 1991].

Table 2.3: Characteristics of property rights

Characteristics	**Open Access**	**Communal Property**	**Private Property**	**State Property**
Rights	Not Assigned	Yes	Yes	Limited
Exclusivity	No	Yes	Yes	State
Inheritability	No	No	Yes	No
Transferability	No	No	Yes	Yes
Enforcement mechanism	No	Community institutions	Individual or Trust	State

[Veettil et al., 2013] suggested that existing traditional theories like 'bundle of rights' or 'theory of access' are not suitable to tribal situations as these theories are unable to accommodate the practices and restrictions involving frequent non-recorded land transfers

within tribal groups. Issues around inheritance of FRA- forestland can open new ways to understand and record property rights.

Individual forestland titles released under FRA can be positioned as private properties in the form of land parcels scattered in the wider settings of government or community forest lands. The land titles under FRA-individual and collective are bound by the condition of inalienability. Moreover, community forestry rights are exclusively held by village assemblies which are an institution in themselves. So, FRA lands can't be clearly placed into traditional bundle of rights classifications (shown in Table 2.3). The other emerging aspect of land rights in tribal areas is that irrespective of the conditions tied to a land title, in Kerela region of South India forest-dwelling tribes are willing to pay a price to get land titles placing them ahead of just possession or managerial rights [Veettil et al., 2013].

In the last three decades, a large body of literature has emerged on governing common property resources including forests [Elinor, 1990, Elinor, 2005]. In particular, institutional designs for their management [Quinn et al., 2007] and their inherent challenges [Ballabh et al., 2002] have received wide attention. In cases of forestland allotments, access and inequality are considered important factors [Tarui, 2007]. Size and composition of communities and size of allotments are critical factors for the success of communal arrangements; and, asymmetric communities had more land disputes than others [Poteete and Ostrom, 2002]. Tenure and use rights on common property forests have been discussed in light of climate change [Chhatre and Agrawal, 2008], halting deforestation [Blaikie, 2006] and conserving global forest resources [Lopez and Moran, 2016]. The effects of common lands with secure tenure on livelihoods has also received generous attention in India [Agarwal, 1988, Agarwal, 2001, Dasgupta, 2010]. However, research on forestland ownership in India by forest-dependent communities and its wider implications on institution building remains unexplored.

In the last two decades, discussions on forest rights in India primarily centred on participatory forestry programs. In the late 1970s India introduced a large-scale program

of social forestry. Under this program barren communal lands in villages were taken up for plantations for improved tree coverage, livelihoods and firewood availability [Tiwari, 1983]. The program ran for 15 years but failed to change the state of forests or the livelihoods of forest-dwellers [Pathak, 1994]. The challenges of ownership of social forestry woodlots as communal lands under collective and State control often led to disengagement of villagers within a few years [Baker, 1998]. In 1990 a new guideline on fostering partnerships between the FD and village assemblies was introduced as a nationwide Joint Forest Management (JFM) program This program was one of the largest forestry programs in the world [Kumar and Rao, 2004]; but it fell short on the grounds of a lack of legal protection and authority for villagers as equal partners [Bhattacharya et al., 2010] and on concerns about power disparity between forest authorities and forest-dwellers [Sarin, 2008].

GoO introduced its Odisha Village Forest Rules in 1985 creating legal space for forest-dwellers in tribal and protected forests to take some control of their forest resources [Rout, 2002]. In many cases, however, JFM-institutions superseded pre-existing self-initiated community forestry institutions in Odisha [Conroy et al., 2002] and led to a break-down of traditional forestry institutions in the State [Sarap and Sarangi, 2009]. This prompted recommendations for the introduction of formal and legitimate control of forestland and resources in JFM institutions as a means of helping to ensure long-term benefits to all its major actors [Sarin, 2008, Conroy et al., 2002] and to legally recognise rights in community-led initiatives.

Examples of historical injustice discourses are available for indigenous forest communities of South America, Canada and Australia [Venn, 2007]. The inalienable and communal nature of native titles over forest resources in indigenous communities posed challenges in exploring their economic potential. Furthermore, many communities have been given large swathes of forestland which they struggle to manage on their own [Kahui and Richards, 2014] leaving uncertainties about the governance of these large tribal territories. The scale and nature of forestland rights imparted to forest-dwelling communities in India is starkly different. Forest-dwellers in India are small and marginal land owners

and they are surrounded by landscapes which are controlled by the State [Sarin, 2008]. These limitations leave them with little choice, unlike their global counterparts. Recognition of forest rights in India can manifest new insights in furthering this knowledge.

2.4 Gender and Forest Rights in India

Social, political, and economical barriers have long discouraged women in India from owning and exercising land-based rights [Agarwal, 2003]. Notably, challenges including a lack of inheritance rights for women [Rao, 2005], privatisation of community lands [Agarwal, 1997], legislation treating men and women differently [Agarwal, 2003], patrilocal residence for women after marriage [Jewitt, 2000b] and existence of gender prejudices in various levels of bureaucracy [Agarwal, 1994, Rao, 2005] have led to the unequal status of women in rights to property. In light of the legislative upgrading of property and marriage laws in India, it is anticipated that direct access to land will uphold the legal rights of women as landowners [Agarwal, 1988, Agarwal, 2010]. However, there remain some predominant differences between law and practices in agrarian communities throughout India [Agarwal, 1994, Rao, 2005]. These include the fact that land-based knowledge and its dissemination to and by rural women is a major barrier [Jewitt, 2000a, Jewitt, 2000b] and inequalities in knowledge are exaggerated in the absence of substantial political participation and representation of women's rights to land [Kelkar et al., 1991].

Women in forest-dwelling tribal communities often enjoy more rights than their counterparts in agrarian communities [Agarwal, 2010]. They control forest-based income by selling non-timber forest products [Kelkar et al., 1991]. Research shows that the local environmental knowledge of women and their control over forest and farm resources is influenced by their backgrounds and position in the household [Jewitt, 2000b]. In traditional village-based Forest-Councils of Uttarakhand, women played leadership role during Chipko Movement. They gained prominence at times when most men used to migrate elsewhere [Guha, 2000]. However, with the arrival of donor-sponsored State-led projects

like JFM, the role of women in such institutions was completely ignored, leading to the collapse of traditional forest institutions [Sarin and Ray, 1998].

Women continue to play key roles in understanding issues of forest product collection, use and marketing in India thus, making a significant contribution to income security of their households [Mohapatra, 1994, Das, 2011]. Moreover, use of forest and farmland to ensure household food security is considered a female domain [Agarwal, 1994]. When women are given titles over farmland it's the presence of other entitlements including property, village commons or expansion of employment opportunities which enables them to control it [Rao, 2006, Sikor and Nguyen, 2007]. The implications of women owning productive land on gender relations in terms of additional responsibilities, regeneration of waste lands and poverty is a major theme explored by numerous researchers [Agarwal, 2001, Thakur et al., 2001, Jewitt, 2000a, Jewitt, 2002, Nakkeeran, 2003]. Progressive legislation on the right of women to inherit land and property has become a legal reality; but families still circumvent these laws to give away land to sons [Roy, 2015].

Concerning FRA, in India insights are yet to explored in cases where a woman owns a forestland title. FRA can provide such a space for researchers to explore gendered themes on forest land ownership and use. FRA mandates joint titling of forestland in the name of husband and wife in a household. Demands for including women's names on households' land records are longstanding [Agarwal, 1994]. Women's participation in the FRA process is safeguarded by reserving places for women in FRA institutions [Springate-Baginski and Blaikie, 2013]. This was implemented in light of claims that FRA has failed to capture the subsistence needs of tribal women; particularly in its approach on community forestry rights [Bose, 2011]. The Act is yet to make any significant improvement in the status of women land owners as such because of the lack of primary property rights to forestland in terms of its use and control. [Bose, 2013] found that in households where joint titles have been granted in Rajasthan region, men and women perceived the major benefit of land ownership certificates differently. A majority of men and women saw gaining land rights as a channel to gain recognition for citizenship, but on the other hand, marginalised

women saw land rights as a means to gain higher status in the community [Bose, 2012].

2.5 Forest Rights Act : Process and Understanding

Considering the history of forest-dwellers' rights deprivation in India, FRA can changed the arena by questioning the validity of forest laws and forest management approaches in FRA territories [Springate-Baginski et al., 2009]. Long standing tension over forest-land and the need to resolve tenure issues have found nation-wide support from different lobbies [Patnaik, 2008a]. Initial discussions on FRA were dominated by differing views of those supporting tribal rights [Bijoy, 2008, Gopalakrishnan, 2010, Kothari et al., 2011] pitched against those who supported environmental conservation as a priority [Venkatesan, 2008, Sahgal and Scarlott, 2010]. However, the most dominant arguments have revolved around issues of creating space [Patnaik, 2008a], addressing historic injustices [Springate-Baginski et al., 2009] and including marginalised forest-based communities in decision-making system [Kumar and Kerr, 2012].

After years of political and social discontent between the State and forest-dwellers[9], between 2005 and 2009, the Indian government took a more sympathetic view on forest-dwelling tribes and drafted the Forest Rights Bill. The proximity between legislative members, drafting members[10] and grass-root organizations and their direct access to Central Government ensured that parliament gave the go ahead to the nationwide implementation of the FRA in tribal dominated regions of the country [Bose, 2010]. Similarly, the Indian judiciary played a pronounced role in pushing through acts and policies promoting forest and environment conservation Including FRA [Rosencranz and Lélé, 2008, Sivaramakrishnan, 2011].

[9]The issue of land alienation of tribal groups has been fiercely contested by a section of ultra-left socio-political outfits against the State. They are known as *Naxalites* or armed militants who believe in the ideology of far-left Communism. They are on the radar of security forces on the grounds of anti-establishment activities in the region.

[10]NAC and the Parliamentary Penal on FRA had numerous differences in their approach towards FRA. The Ministry of Tribal Affairs (MoTA) became the nodal point for FRA coordination. However, MoTA needed large scale structural changes to enable it to take up FRA responsibilities [Gupta, 2010].

The initial focus of FRA-related research was on the content of the Act with several interpretations surfacing during the first few years [Springate-Baginski and Blaikie, 2013]. The State's action remained inconsistent with the Act and therefore rights were not recognised on the ground; particularly in light of the ambiguous wordings of the original Act[11]. Owing to pressure from civil society groups the Act was amended in 2012. Some early research anticipated that FRA wouldn't address complex issues like those of forestlands converted to revenue lands or vice versa in the last few decades [Sarin, 2010]. These concerns were further aggravated when the new revised guidelines did not provide a relevant focus on the post-recognition governance arrangements. Thus, conflict between existing systems of forest administration and forest-dwellers' rights was out in the open after FRA and anxiety over its means remained persistent.

On the other hand, on the bureaucratic front, large scale changes in the delivery structure of the MoTA in New Delhi were undertaken by the Central Government. In a way, the Act revived the MoTA which otherwise was seen as dormant. Direct involvement of the Prime Minister's Office made sure that dissenting political voices were kept away from interfering in the Act. Thus, in the background there was recognition of bureaucratic resistance to the Act which needed some managing [Springate-Baginski et al., 2013]. The politics and bureaucracy behind the FRA is of immense importance in understanding the process of rights settlement.

In terms of the impacts of FRA, [Dasgupta, 2010] has suggested that the Act is capable of positively impacting livelihood security and facilitating the inclusion of forest-dwelling communities in various development-focused programs; by imparting bargaining power to forest-dwellers. [Bose, 2012] also identified an under layer of discontent among community members holding FRA land titles. With the sudden change in the mode of conflict resolution; given the legitimacy of the rights, research found a developing tendency in tribal households to take their cases directly to the courts for settlement as FRA distinguishes individual titles from community titles. Bose further noted that the

[11] [Springate-Baginski et al., 2009] conducted the initial analysis of the verbatim of the Act and found numerous shortcomings and ambiguities in the text.

early impetus on individual property rights under the Act shifted the local focus away from collective forest management rights and is promoting individual ownership[12]. Such circumstances in the long run can distort the foundations of tribal communities which always had a strong tradition of collective Actions [Sharma, 2010].

The attention of researchers has also focused on the activist networks that have worked behind FRA. [Springate-Baginski et al., 2009] has discussed the important role played by Civil Society Organisations (CSO), arguing that their persistent campaigns led to the enactment of the Act. They also suggest that the implementation of the Act has been most successful in locations where committed CSOs or grass-root movements are active. Similar finding has emerged from [Kumar and Kerr, 2012], who argue that effectively organised social-networks were successful in creating an ambiance for the FRA's acceptance. Collective action on FRA from civil society network members and institutions were able to cut across various levels of governance, working directly with diverse stakeholders, effective dissemination of information, and favourable political trends. Even in the implementation phase, independent civil-society led coalitions played an active role in influencing the State to respond to the needs of the FRA [Barnes et al., 2016].

[12] As the study results are based on a survey conducted in 2008-09 when FRA was being implemented in its old form, which didn't provide any space for Community Forest Resource (CFRe) Rights and had many short comings. In Odisha on the other hand, due to an active lobby of grass-root activists working on FRA, a re-consideration of claims applications was demanded as early as in 2010 to first settle all the community forest rights and then to settle individual rights.

Chapter 3

Research Design

3.1 Research Framework

The emergence of FRA has an intricate relationship with the history of forestry, current understanding of rights, and future directions for forestland development. To understand the elements of such a multidimensional phenomenon there was a need to make use of an inter-disciplinary multi-method approach originating in developmental, historical, political and geographical foundations. Methodological pluralism as discussed in [Norgaard, 1989] aims to address complex socio-ecological problems by use of multiple methodologies and multiple philosophies. The approach has found wide use in various disciplines of social and natural sciences.

The first objective of this thesis required an investigation of the historical dimensions of forest use and management in the study site which have come from the analysis of a range of government documents. The second, third and fourth objectives needed an understanding of contemporary issues in forest rights discourses in the region. This has been done by using a variety of qualitative research techniques including informal discussions, semi-structured interviews, household questionnaire surveys, focus group discussions, elite interviews, participatory resource mapping and field observations. Secondary datasets

collected from the local government about the status of FRA in Koraput District were analysed quantitatively to find important trends for the period 2008-2014. Table 3.1 lists the methods used for obtaining data for each research objective.

Table 3.1: Research method and data matrix

Objective	**Questions**	**Technique Applied**
Forest History	(a) Forest policy evolution, (b) Timber and non timber forest products, (c) Use of forest land by forest dwellers, (d) Historic injustices	(a) Document analysis, (b) Key informant interviews
Forest Rights Act	(a) Process analysis, (b) Land encroachment, (c) Gender	(a) Village discussions, (b) Household surveys, (c) Interviews and field observations, (d) Secondary data analysis
Politics	(a) Politics, (b) Bureaucratic challenges	(a) Government circulars and notifications, (b) News reports, (c) Interviews and field observations
Land Use	(a) Motivation, (b) Use of Land	(a) Household surveys, (b) Interviews, (c) Field observations, (d) Participatory resource mapping

3.2 Methodology

Research involved a significant amount of field work in India with more than 11 months spent in Koraput and 3 months in Bhubaneswar, Odisha between 2013-2015. Figure 3.1 summarises various research stages followed during the preparation of this thesis.

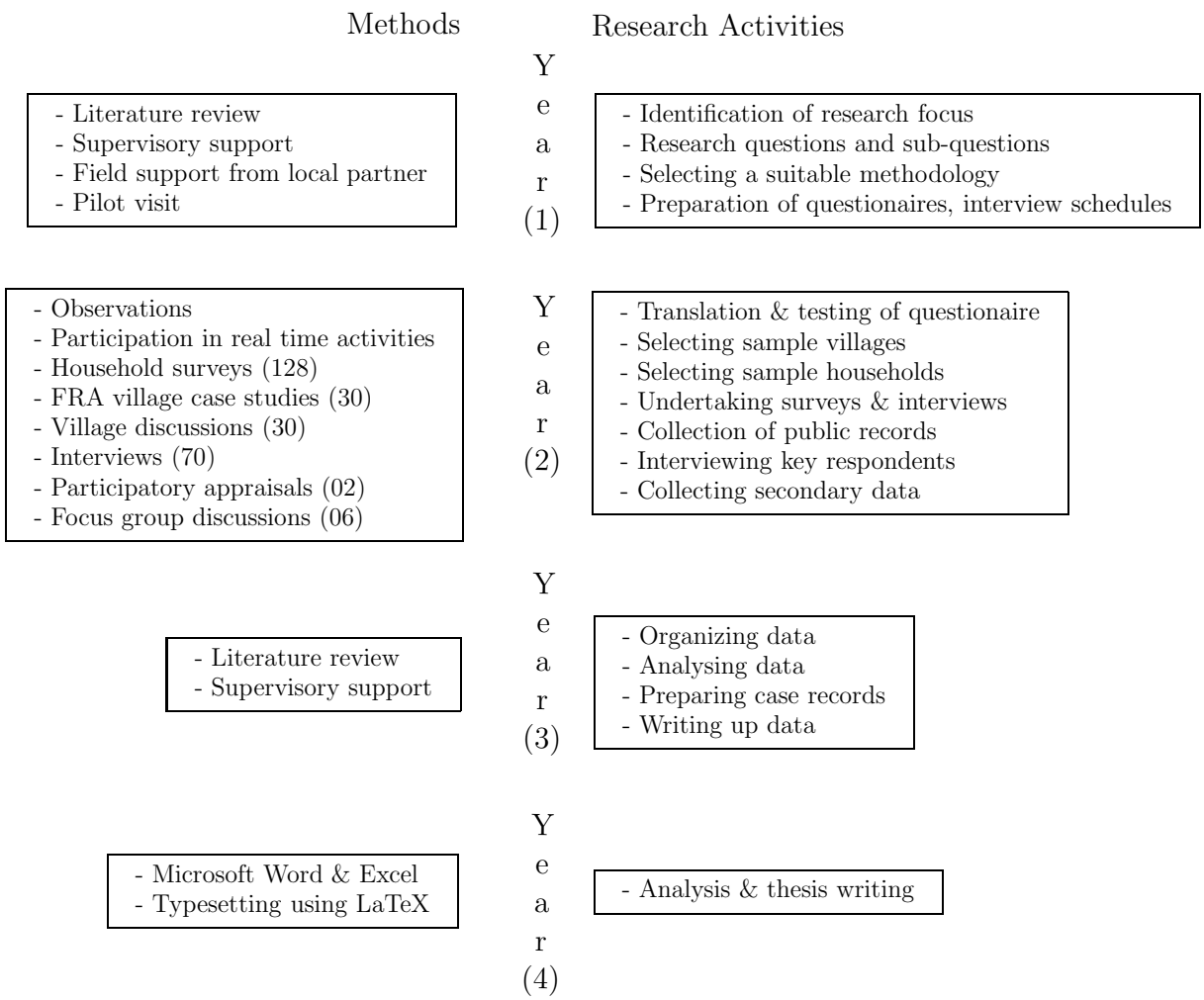


Figure 3.1: Scheme of research work.

3.2.1 Sampling Strategy and Selection of Research Sites

Field research was carried out in 4 Community Development Blocks (or Blocks) of Koraput District (see Section 3.5 for study area). A total of 30 villages/settlements were covered wherein detailed interactions were held with 128 households.

3.2.1.1 Selection of Blocks

A number of criteria were used to select Blocks in Koraput. The most important being the availability of a local partner organisation, research assistants and translators, and safety of the researcher. Other factors included availability of motorbikes and accommodation during the field stay. Attention was also given to the fact that the selected Block should

fall in common Forest Ranges so that it could also become an analytical unit[13]. In the end four Blocks were selected to conduct research activities, in the thesis, these Blocks are identified as A, B, C and D. See Figure 3.5 for location of these Blocks.

At the start of field work (in January of 2014), a total of 6,664 individual FRA title certificates were released in these 4 Blocks. These titles belonged to ST households, so, these 6,664 title holders became the sampling framework for this research.

3.2.1.2 Selecting Villages

The secondary data on FRA was obtained from The Integrated Tribal Development Agency (ITDA) in Koraput. Data showed that an average of 60 villages per Block had received individual titles. Based on this data, 6 to 8 villages in every Block were identified to conduct village-specific activities. A total of 30 villages were selected mostly through a process of purposive sampling. Key selection criteria included distance from Koraput town, safety of the researcher and access to a gatekeeper in these villages. The selected sample constituted 12.5% of all FRA title holding villages in these 4 Blocks. All 30 villages were given pseudonyms for the purpose of this thesis. Refer to Table 3.2 to know more about the status of FRA individual titles in these villages.

3.2.1.3 Selecting Households

In each Block, selection of households for survey was done using different strategies which evolved from convenience (based on availability of the respondent), to snowball (recommended by other respondent), to purposive (searching for a particular group of respondents, for instance single women and landless households). The selection approach was kept flexible to meet the access challenges in these Blocks.

In Block A, 30 household surveys were conducted in 7 villages. At the start of

[13]In many Blocks in Koraput local administrative boundaries do not coincide with Forest Range boundaries therefore causing difficulties in comparing the geographical understanding of the local officers.

Table 3.2: Status of individual FRA titles in sampled villages.

Block	**Village**	**Total House-holds**	**FRA Titles**	**Area in Title** (in acre)	**Forestland Type***
A	Tala	136	42	69	JB
	Donda	45	24	31	JB
	Kota	11	8	19	JB
	Dumri	30	22	NA	JB
	Masi	11	6	NA	JB
	Mulk	55	40	87.5	JB
	Sind	160	163	234.1	JB
	Nilam	60	45	53.5	JB
	Nua	16	7	2.2	JB
	Sepai	45	28	35.1	JB
B	Chala	66	24	9.69	JB
	Pakha	9	8	31.5	JB
	Kutuni	73	53	87.5	JB
	Missi	55	9	5.3	GJ
	Pung	21	19	12	P
	Munda	75	9	NA	JB
	Paraj	110	21	17.8	GJ
	Jamu	40	40	62.1	JB
C	Nara	97	46	32.59	JB
	Puri	48	14	14.36	GJ
	Tabja	53	52	116.5	JB
	Bona	125	71	129	JB
	Machi	55	45	94	JB
	Baka	33	39	42.2	P
D	Mina	170	72	144	RF
	Band	206	78	102.25	RF-JB
	Godha	62	28	43	JB
	Narsi	100	46	65	JB
	Kebi	134	96	205	JB

*{JB = Jungle Block, GJ = Gramya Jungle, P = Pahada, RF = Reserved Forest}

each village visit, discussions were held with its elected chief (*Sarpanch*) or traditional chief (*Naik*) and a list of FRA title owning households was prepared. Thereafter, 7 to 8 households were approached for household surveys over a couple of days. These households represented households with the smallest and the largest area of land recognized under FRA, women title holders, landless households and others.

At the time of village work in Block B, State elections were fast approaching and a rise in local insurgent activities in the region was experienced [14]. Research permission to

[14]2014 was an election year in India and Koraput saw intense political activities which included frequent confrontation of the Armed Forces with the Left-Wing Extremists in the region.

conduct research work in certain villages was taken away and night stay in villages was prohibited. Following the new safety guidelines some villages were dropped off the list, and some new ones were added for the remaining field work.

Selection of respondents for village based interview was more streamlined and was built upon lessons learned from the household surveys. In remotely located villages, all research activities were conducted in the same phase of village visits. Villages that were considered safe and had a year-round connectivity were visited a second time to collect research data. The last phase of research-visits were focused in Block Headquarters and included meeting local organizations, government officers and eminent persons for interviews and discussions.

3.3 Methods

During fieldwork, a mixed methods approach was used to collect qualitative and quantitative data on local forest history, forest and land administration, FRA implementation, farm practices and land-use. The micro geographical research outlook used in this thesis included collection of quantitative household data coupled with in-depth qualitative data on the perspectives, opinions and insights of FRA applicants and their specific geographical contexts.

3.3.1 Data

3.3.1.1 Block-level Data on FRA

The database of 6,664 FRA title holders belonging to 4 Blocks of was collected from the Integrated Tribal Development Agency (ITDA). Permission was taken to use this data for research. The data was received in MS-excel in August of 2014.

3.3.1.2 Data on Forest History

Forest and forest rights history of the region was created by referring to some key historical documents and governmental records of Koraput. These documents were obtained from various public offices and have been cited through this thesis. Following is the list of historical documents:

- District Gazetteers (published in 1869, 1907, 1945 and 1966). These were accessed from the District Record Room of Koraput.
- Forest Working Plans of the FD of Koraput. These plans included the Bamboo working scheme of Koraput (1961-66), first Forest Working Plan of Jeypore (1971-91) and the Forest Working Plan of Koraput (2006-16). Access to these documents was secured from the Divisional Forest Office (DFO)-Koraput, and Principal Chief Conservator of Forest (PCCF) Office, Bhubaneswar.
- Case records of reservation of 12 Reserve Forests in Koraput Forest Sub-Division, these were accessed from the DFO in Koraput and from the court repository of the Sub-Collectorate Office.
- The Report on the first Major Land Survey and Settlement of Koraput (1936-1968) was secured from the District Record Room Koraput.

Permission was obtained to make copies of these documents for the purpose of research.

3.3.2 Primary Data

Primary data for the study was collected between, December 2013 and October 2014, at various locations in Koraput. Before elaborating on field methods, it is important to discuss the positionality of the researcher as an outsider in Koraput.

The researcher was familiar with Odisha due to her previous work engagement in the

State, however, Koraput District was an unexplored location for this research. Being a foreign researcher with basic local language (Odia) skills was an advantage as an observer and a facilitator for research activities. Researcher worked independently for most of the time and ease of access to a few key resource persons and institutions in the Town of Koraput proved productive in nurturing the researcher's understanding of the study area.

In villages, research participants often spoke a mix of Odia and a local tribal language (Kui or Paraja). So local translators were engaged who were conversant in both the language and had knowledge of local places and people. In all 4 male translators-cum-assistants were hired to assist in this research. These translators had prior experience of working with local civil society organisations. In Block headquarters researcher managed most research activities without translators as many people knew some Hindi or English.

In Koraput, researcher learnt that being a woman was an advantage. On many occasions, respondents (in villages, in towns and in local offices) were intrigued by the choice of research work and went out of their way to provide relevant information. Although, the researcher had partnered with a local civil society organisation for field and network support, she remained fairly independent of them for majority of the research work.

3.3.2.1 Household-level Questionnaire Surveys

One of the key techniques used in this research is the use of questionnaire surveys to collect data on composition, productivity and intensity of use of FRA lands, and claimants' experiences and understanding of FRA. A total of 128 FRA title holding households surveys were conducted for this research.

The questionnaire was developed in University of Nottingham and was pilot-tested with the field workers of the host organisation in Koraput. Later on the survey was revised and was tested in a tribal village. All field assistants-cum-translators were trained to assist on the questions and oriented about the contents of the questionnaire before undertaking any household surveys. The questionnaire was long with 6 sections and 42 questions and

in fields lasted between 1.5-2.5 hours each. See Appendix A for a sample of the survey. Each section consisted of a mix of closed and open-ended questions. Closed questions enabled data collection on household composition and land-holdings whilst open-ended questions were asked to elicit information on FRA title claiming experiences and the use of FRA lands.

In villages where a follow up visit was not possible additional questions were introduced in questionnaire. In addition, initial field visits indicated that conducting one to one questionnaire surveys in a traditional way with FRA title-holding couples (husband and wife) was difficult, as they were often surrounded by extended family members and other villagers who were always interested in contributing to the discussions. Therefore, I turned such situations into opportunities to capture group insights into complex questions using group discussion techniques. In larger groups (when more than 10 people were present) this twist of method allowed instant verification of responses. Tribal respondents in villages clearly felt comfortable in collective responding. About 68% of the surveys were a mix of household survey and group discussions. These surveys were recorded on survey sheets, some survey-cum-group discussions were audio-recorded and for others field notes were entered in field diaries. A disadvantage of such a set up was that it narrowed the scope of randomly selecting FRA households for surveys, as I always had to make sure that the people who participated in group discussions were not surveyed as individuals to avoid any pre-informed or influenced answering.

Keeping research ethics at the forefront, all participating households and group members were made aware of the aims of the research. Their formal consent to participate in the research activities were collected on the spot. All consent forms and questionnaires were translated into Odia. Consent forms were prepared according to the guidelines set aside by the University of Nottingham research requirements. See Appendix C for sample of the consent form used for this research.

3.3.2.2 Semi-Structured Interviews

Interviews were a major tool used to gather research data and insights for this research. A wide range of actors participated in these interviews carried out over a span of 15 months. Most were administered as Semi-Structures Interviews (SSI) along with a few Informal Interviews (II). The respondents that were interviewed for this research included FRA title recipients in villages, Government Officials related with FRA-activities and related departments, Civil Society Organizations (CSO) and other local professionals like lawyers and journalists. A total of 65 SSIs and were conducted and documented as audio recordings and field notes. These interviews helped in generating and triangulating data that was constantly emerging out from other research activities. I have extensively used the information and ideas generated from key interviews (about 46) in developing empirical Chapters 6, 7 and 8. While undertaking interviews careful efforts were made to capture a comparable number of participants in each of the key groups.

While conducting village work it was realised that individual interviews were not a suitable tool to capture insights from villagers as the local conditions did not allow the researcher to isolate respondents from the larger groups. A tendency to feel comfortable in responding collectively even to individual personal questions was a characteristic of the village communities in the study region. Therefore, for village-level participants SSI and GD techniques were used, at times fluidly, other times overlapping with each other. These techniques were conducted in the local language of the respondent with support from translators in all 10 village-based SSI and 30 GD that were conducted for this research. On the other hand, SSI with government officers, NGO representatives and others were conducted traditionally in English, Hindi and Odia. All SSIs were audio recorded and an audio-bank was created with about 90 hours of recordings for reference and recollection. 46 of these records have been cited in this thesis .

Setting up guiding questions for interviews and the continuous need to expand the scope of questions took time and experience. Key questions evolved as the field work

progressed from piloting phase to initial phase to the concluding investigations. During the piloting phase of research in late 2012, five SSI with key respondents were conducted in Delhi and Bhubaneswar to identify important FRA issues and to identify sites for field-based investigations. In 2014, in the initial phase of field work 5 more SSI were conducted in Bhubaneswar and 3 in the town of Koraput. These key interviews at an early stage of research helped in developing a set of useful questions for the next stage of field work.

Once the main field interviews began in Koraput a couple of new challenges were met. For instance, a number of government officials hesitated or refused to give consent to audio-record their interviews. This was expected in Koraput as it is a socio-politically sensitive region and many officers were reluctant to have their views and opinions formally recorded. To overcome this barrier, I conducted a few SSI in informal settings and encouraged respondents to cross question my ideas and my initial findings in the region. By doing so, the interviewee could develop mutual trust and also provided immediate feedback on initial research findings. In the course of field work a couple of key respondents were identified and they were interviewed many times during the fieldwork. I adopted this new approach of interviewing that I will term 'serial interviewing' where key respondents' are interviewed multiple times at different stages of research work. This approach resulted in developing an excellent understanding of the progress and challenges of research questions. The only drawback of this approach was that it was time intensive to organise such serial interviews.

Throughout the study site being recorded or video-taped or having to sign a paper was off-putting to many respondents and therefore required persuasion. Different strategies were put into place for different groups of respondents. Field-based Officers were an important group of key informants as they were closely involved in day-to-day FRA operations. This group often requested interview questions beforehand, so they could arrange some time to prepare responses. One reason to do so was a desire to give exact responses and another was the perceived language barrier. Invariably such interviews began in English (as it's an official language for Government offices along with Odia) then

transitioned into Hindi (knowing that I came from a Hindi speaking region many would switch to Hindi) and finally reached their comfort level in Odia. Having spent a long time in the field and having developed useful field contacts I was able to make sure that field officers did not feel threatened with my questions or with my presence in their offices during my subsequent visits. In villages, illiteracy was widespread, so the translators were requested to read out loud the contents of the consent sheet so that everyone around could understand the terms of their participation in the research. Higher ranking government officers and NGO representatives were comfortable in following the traditional route of signing consent sheets and allowing the use of audio-recorder in their offices.

The elite/key interviews with representatives of local and international development organizations, research institutions and high-ranking officers from the FD, Tribal Welfare Department, Panchayati Raj Department, Revenue Department, Department of Women and Child Welfare and the District Collectors Office were conducted in the last three months of field-work. By this time, I had almost finished the village work and many of these interviewees were interested in hearing about my findings, thus these interviews also took on the characteristic of two-way information sharing and discussion engagements with most of them. Such interviews lasted from 30 minutes to 2 hours. The focus of these interviews drifted more towards the bigger questions on inter-departmental engagements on FRA, policy measures on FRA and positionality of these offices in the FRA-lands in future. See appendix D for a transcript of one such interview.

3.3.2.3 Focus Group Discussions and Group Discussions

In the course of field work 30 group discussions (GD) were conducted in various villages. These GD usually lasted for 30 to 60 minutes and served multiple objectives. Apart from collecting data for the research these discussions at times acted as an important entry point activity for the research team in many villages. At some occasions, I used these GD to introduce my research interest with the whole village and in the process made first contact with the potential survey respondents and their household members. Research

and the translators formed a mixed gender research team which was useful in conducting GD as it allowed accessing even those men and women who would otherwise feel reluctant to come and join these discussions. These GD covered a range of subjects including-village histories, farm practices, plantations, FRA process, interactions with government agents and much more. GD were often contextual and were planned locally based on availability of participants and issues. See Appendix B for a sample of field note and summary that were prepared for these kind of GDs.

In the final phase of field work, Focus Group Discussions (FGD) were conducted with Forest Watch guards, Foresters, Revenue Inspectors, field Staff who worked under the National Rural Employment Guarantee Scheme, village chiefs (*sarpanch*), local political representatives, *Panchayat Samiti* (Council of Gram Panchayats) members and women's groups. In total 6 FGD were conducted. These FGDs were organised in the last two months of field work as by then the major issues concerning local FRA implementation had been explored. Only one village-based FGDs was conducted as I did not find conducive conditions to conduct traditional FGD in villages therefore, mostly GD were conducted with groups of men and women. Figure 3.2 shows one such group discussion with a group of tribal women who were preparing seed oil from a local forest tree at the time of our visit.



Figure 3.2: Group discussion on NTFP collection and preparation.

Knowing the field conditions, it was impossible to follow a rigid structure in group discussions. With large groups, discussions were chaotic but in being so, they were helpful in bringing out natural reactions from the participants. They also acted as collective verification events for the genuineness of FRA titles that I requested them to bring with them. The biggest challenge of conducting discussions this way was in analysing them; an issue discussed in Section 3.4.

The timing of meetings (including household survey, interviews, GD, FGD) with village respondents was an important criterion to ensure that a convenient time was chosen for them. On average I visited each village at least on 3 subsequent days to ensure that I could meet respondents during their free times. As households are small independent units they were busy in their farm activities or in festivals and had broad preferred time windows to talk to us. For instance, men and women had different time cycles for farm and household work, so to meet them individually I had to follow these time windows (usually on their farms between 7 am and 3 pm). To meet them as a couple, early mornings (before 7 am) or afternoons (after 3 pm) were the most suitable times. Interviews and discussions with old men, women and non-farming respondents were organised through the day in the villages. These time-windows provided opportunities to observe villagers' life in general, to take walks through the village, or accompany them in their farm activities while talking to them all throughout.

I did not offer any payment or any other reward for participation in any research activities and I am not even sure if that would have changed my approach of conducting research activities in the study villages. However, in general I found acceptance and enthusiasm from villagers to my visits. The only regular in-kind items that I carried to fieldwork villages were sweet treats for children.

3.3.2.4 Participatory Village Mapping and Village Walks

Understanding traditional land use and land boundaries in study villages was one of the key point of my engagement on FRA with villages. Knowing local names of their hills *(dongar)* and walking around villages, farms and common lands formed a part of entry-point activities. However, detailed participatory village mapping exercise was conducted only in two villages. The key objective of preparing these maps involved, 1) outlining and understanding the nature of land occupied under individual and community FRA claims and, 2) to identity old forest-farms and existing forest-farms for which FRA claims were being made. Maps were prepared in the second phase of village visits where a week was spent in each of the two villages. The first two days were spent walking around and understanding the local land use and land terminology used by villagers. On the third day a group of villagers led by a few local youths was requested to generate a map of their village locating important markers including village boundaries, revenue settlements points, school, water-points, state forest, community forest, private forests (if any), sacred sites, village common areas, grazing lands, animal and tree habitats, local hills, shifting cultivation sites etc. Once the group had made this map, another groups including women and elders were asked to interview the map and suggest corrections (see Figures 3.3 and 3.4. Elders played an important role as many young people were unaware of the traditional names of some sites. The map also helped in bringing out points of conflicts (past and present) over land and thus enabled us to gain a wider understanding of the tribal patterns of land usage in the study villages.

Participatory maps are generally prepared on village common grounds, but I conducted these mapping exercises on large roll of sheets. Common areas in these villages were often without a roof and rains were frequent and such settings were not conducive to preparing maps outdoors. So, I conducted mapping activities in the front courtyard of one of the houses so that other villagers had an opportunity to come and have a look at the map.



Figure 3.3: Participatory map making by village youth



Figure 3.4: Participatory map making validation from the elders in a village

FRA forest and farm transect walks were recorded on a hill in one village which was under FRA claims. These forest walks helped in understanding the traditional ways of allocating uplands for cultivation in families which remains un-recorded in formal revenue systems. With the help of villagers, we produced a sketch map of upland farms belonging to the residents of one entire village. The use of PRA mapping techniques proved extremely useful in understanding customary land use systems. An understanding of this system is critical considering the FRA's ambition to deal upfront with these ancestral lands. My findings on traditional occupation of land draw strongly from the information gained during such participatory research events.

In applying the philosophy of methodological pluralism, as suggested in [Bell and Newby, 1977, Norgaard, 1989], this research work has used a mixed method approach to address the wide range of perspectives that affected the research subjects and the research site. Research conditions in Koraput made it essential to triangulate, cross-examine and verify data that emerged from the field and the use of a mixed method approach was found to be appropriate for this purpose.

3.4 Analysis

As discussed above, this research has employed a multi-method data collection approach and the aim of this analysis section is to bring out a common understanding from multiple streams of data.

The household surveys included creating, testing and implementing a survey. Each survey response was given a unique identifier between HHS 001 and HHS 128. The original survey sheets were brought to the UK and were recorded as a simple cross tabulated database in Microsoft Excel 2010. Data analysis included coding the responses for closed questions and extracting responses for open-ended questions as points or narrations in designated cells in excel worksheet. Once all the entries in worksheet were entered, they were reproduced in a separate sheet and prepared for analysis. It included cleaning data and organising cell entries (rows and columns) according to a list of response codes. Use of excel features including dropdown and sorting for classes were used to arrange various analytical heads. Major headings for analysis included household demographics, status of land-holding, knowledge of FRA, experience of claim-making, farming cycle, gender roles and FRA land use. Simple analytical tools including averages, percentages and numbers have been used to analyse survey data. Findings from the household surveys are presented as tables, charts and graphs in Chapters 6, 7 and 8.

The nature of semi-structured interviews and group discussions posed a major challenge given the different languages used. SSI which were mostly conducted in one major

language (English or Hindi) were transcribed as verbatim for quotations and paraphrased for analytical use. All transcripts were improved for grammar and readability. SSI which were conducted in more than two languages and in settings with lots of disturbances (noise) were summarised along the lines of key questions and new information. Group discussions in villages were often conducted outdoors with large groups therefore field notes and discussion summaries were prepared for them. Focus Group Discussions (FGD) were also recorded by summarising and note-taking over the key issues and highlighting the emerging understanding. Most of these SSI/VD/FGD were audio-taped and played many times over to make sure that correct inferences are being derived through them. Moreover, points emerging out of interviews and group discussions have also found a place as quotes and narratives in the main text and in the boxes as cases studies. Field records and transcribed data has been analysed manually rather than using any analytical software like Nvivo Suite.

Several challenges affected the research team while conducting many of these methods. I have pointed out some of them below:

- The use of three or sometimes four languages in village interviews and discussions
- Local social settings in villages did not leave space to isolate respondents from larger groups thus turning an individual response to a collective response.
- In insurgent affected villages, on many occasions use of audio-recorder was not permitted therefore field-notes were prepared for these interviews and discussions.
- Additionally, long torrential rains discouraged audio-taping discussions in some villages. Here field notes were used as a primary data recording method.
- Occasionally audio recordings were not possible due to a lack of electricity and charging facilities.

To circumvent these challenges all through the fieldwork a parallel record of field activities and observations were recorded in 8 field dairies which also constituted an im-

portant source for cross-referencing. Observation by the researcher as a technique was also employed in situations like group activities, village celebrations, Block-level and District-level nodal meetings of government officers and claim-filing and verification exercises by FRA institutions. Information captured from the participatory rural appraisal (including mapping and group discussions) was audio-recorded, captured in photographs and summarised in field note books. They have been used in making descriptive case studies and hand drawn original PRA maps have been used for site analysis. Lastly, photographs taken during the fieldwork have also been used to support arguments and observations as and when felt necessary. Additionally, use of multiple methods of data collection effectively ensured that the data was being triangulated and verified more often.

While some of the data generated from this research could have been subjected to more detailed quantitative analysis the objectives of the research demanded in-depth geographically specific insights rather than generalizable results. Reflecting on the intended outcome use of qualitative approaches was considered a priority. Nevertheless, quantitative approaches were used to analyse secondary data from over 6500 FRA claimants in the study blocks which constituted almost 100% of FRA-title recipients in the study region at that point of time. These data were analysed to find out the nature and extent of land being settled under FRA.

As the focus of the research is rooted in the specificities of a local region which is unique in its characteristics, attempts have not been made to generalise results to other larger territories. The use of Koraput as a single case study has provided this thesis with geographical and contextual depth although the multi-method approach used here can be replicated to generate comparable results in similar territories elsewhere in India. Indeed the, replication of the research methods used here would be valuable in other tribal-dominated and insurgent-affected regions of Central and South India.

3.5 Study Site

Koraput is a highland area situated in the south of the Indian State of Odisha[15]. The region spans between 18° and 19° Northern latitude and 82° and 83° Eastern longitude (see Figure 3.5). Until 1992, a bigger region including the present-day Districts of Malkangiri, Rayagada, Nabrangpur and Koraput constituted what is known as 'undivided Koraput' but thereafter Koraput became an independent District in Odisha. Present-day Koraput District has an area of 8379 km^2. It is divided into two Sub-Divisions- Koraput and Jeypore. Koraput sub-division is the Eastern side of the District and consists of highlands with an average altitude of 900 masl Jeypore is a lowland part of the District which lies on its west side. Koraput sub-division is the focus for this thesis.

The total population of the District stands at 1,379,743 persons; where ST constitute 50.5% and Schedule Castes make up 14.2% of the total population. Population density is 156 persons per km^2 and 83% of the population in Koraput inhabits its rural regions [GoI, 2011]. Poverty is widespread, and 83.81% persons earn less than 1.25 dollars a day. Decadal population growth rate is 16.63%. Infant Mortality Rate stands at 56 per 1000 and Maternal Mortality Rate at 311 per 1000. The literacy rate in the rural areas is 35.06% [GoI, 2011].

Climate in the highlands of Koraput is tropical with a mean maximum summer temperature of 300°C (between March-May) and winters with a mean minimum temperature of 100°C (in November-January). Study site has an active monsoon season between June and October. The annual rainfall for the region is 1567.2 mm of which 80% is received during the monsoon [GoO, 2006]. Every year the District is also affected by extreme weather depressions from the Bay of Bengal which causes widespread heavy rainfall and high winds. In the fieldwork year a tropical cyclone *(Hudhud)* lashed Koraput causing huge loss of property.

[15]The name of Orissa was changed to Odisha in 2011 and throughout the thesis I have used the new name of the State.

In 2013, 21.8% of the total land in Koraput was covered with forest, 41.40% was occupied by seasonal crops and 13.3% was under paddy cultivation. Barren and uncultivated land covered 10% of the District while 5.6% and 2.09% of the land was under permanent pastures and fallow respectively [GoO, 2006]. In the highland the percentage of cultivable land is lower because of the undulating hills. However, regular and plentiful rains ensure that the region enjoys a variety of agricultural crops in three growing seasons annually. Undivided Koraput has some large reservoir-based irrigation projects but most of the farms in the highlands are marginal and rainfed [Lenka, 2001].

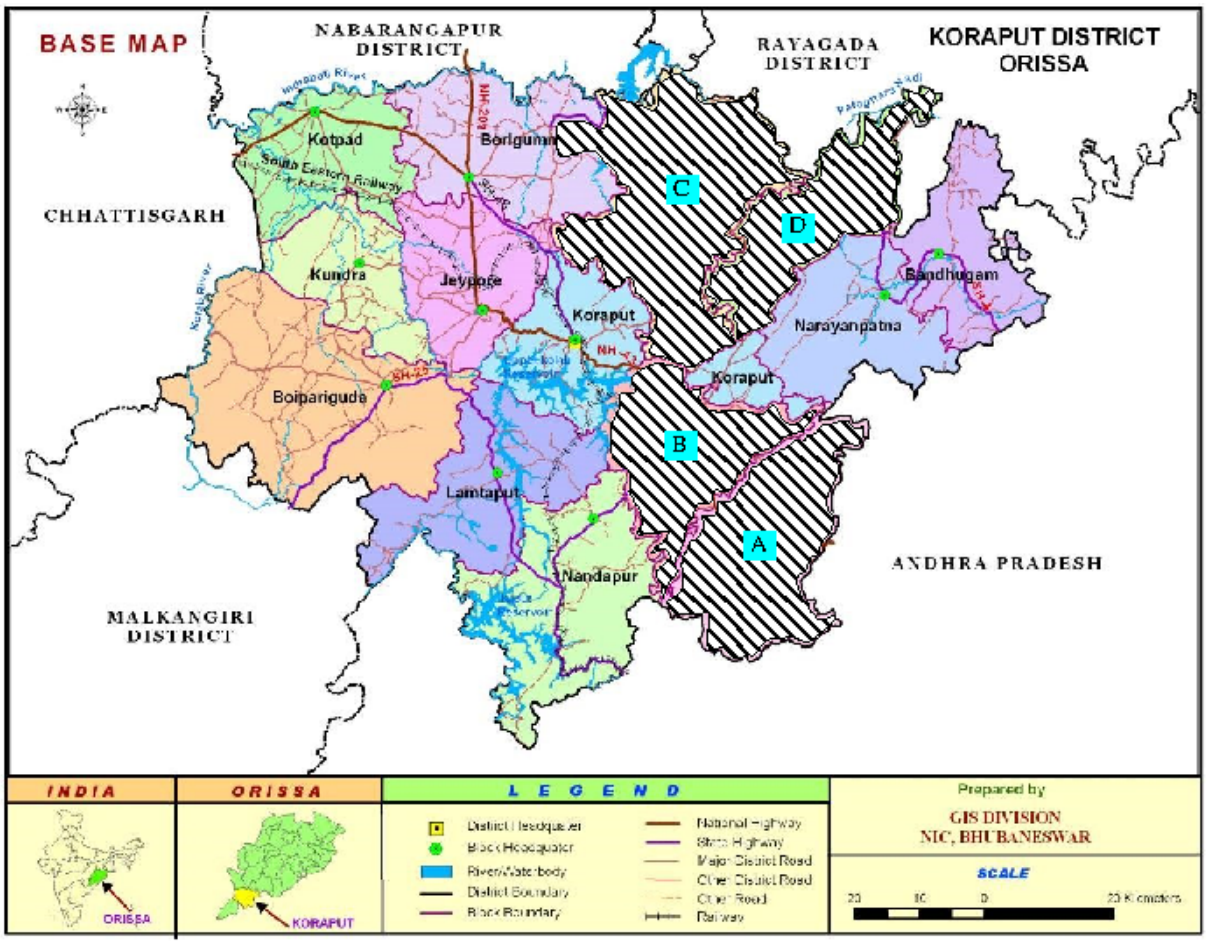


Figure 3.5: The figure shows a map of Koraput district (shown in color) of state of Odisha in the Union of India. Furthermore, the sites selected for this research work, namely blocks **A**, **B**, **C** and **D**, are shown with a shaded region.

3.6 Relevance of Koraput in Forest Rights Debates

Before reaching the empirical chapters of this thesis, it is essential to talk about the site selected for this research. As mentioned in Chapter 2, Southern Odisha is an unexplored geography in context of any significant academic research conducted around forest rights. Existing research conducted in this region are either ethnographical or anthropological research [von Fürer-Haimendorf, 1982, Sahu, 1942]. In more recent research work [Kumar and Kerr, 2012] has work in another part of South Odisha to highlight issues of displacement and resettlement. Otherwise, no other forest-specific academic research has come out of the region. On the other hand, the presence of a good number of civil society organizations has produced a bulk of grey literature on issues of land rights alienation in the region [Kumar and Rao, 2004, SPREAD, 2009a]. So academically, the region of Koraput provides a pristine site to conduct research on forest rights. From a broader theoretical perspective, existing knowledge on forest rights in India is founded on larger territories rather than micro-geographies and independent political-entity like an ex-princely state has not been studied. This creates an interesting gap for exploring a unique socio-political set up from a micro-geographical perspective.

Koraput is characterised by its rugged hills (3000-4000 feet), thriving foot hills, a lack of good access roads, a prevalence of marginal forest-farms, a history of large scale shifting cultivation, a recent upsurge of development programmes and frequent confrontations with local insurgent groups. With such a background, the town of Koraput is like a relatively calm island in the middle of some of the fiercest land-based contestations that are taking place in its surroundings (see Figure 3.6. Thus, South of Odisha including Koraput is a good candidate for an investigation of intersections between historical and contemporary conflicts over natural resources, particularly land and forest.

With respect to policy relevance, the arrival of the Forest Rights Act has not been explored in the light of the continuity of policy in tribal regions and its impact on rights of forest-dwellers, thus providing a wide space to study FRA and forest land manage-

ment in the study area. Ongoing conflicts include large scale tribal protests in the hills of Niyamgiri in the neighbouring District of Rayagada (against a multi-national mining company), violent clashes between tribes and a national mining company in the hills of Panchpatmali. Also important are the presence of a three decades old left-wing extremist/insurgent movement against the Government's rule in the region and discontent over the large-scale displacement of tribes from their villages to make space for refugees of the Bangladeshi Independence War in the forests of Jeypore and Nabarangpur. Figure 3.6, shows the research site in reference to these zones of conflicts. Research villages considered in this thesis are located at least 10 km from these troubled pockets. Except for a few incidences of paramilitary and insurgent encounters in Block A and an ongoing farmer-miner confrontation in Block B, the research villages were not directly affected by any major incident during the period of research[16]. Another important influence on the choice of Koraput as a case study area is the fact that since the 1960s, the large-scale takeover of tribal lands by non-tribal settlers has become a focal point of ongoing conflict between the insurgents and the State over land and forest rights. Highlands, due to their remoteness, have become an easy geography for the expansion of Left Wing Extremist (LWE) activities and hideouts [17]. Being a LWE district signifies that day today actions come under surveillance creating restrictions on mobility in the region, particularly for outsiders. These overarching security concerns influence government delivery mechanisms in the District. The issue of forest land rights settlement is of immense gravity in the region.

Koraput has a unique ecological standing at the northernmost end of the Indian Eastern Ghats ecosystem. A long-term forest cover change assessment has shown that in the 75 years between 1935 and 2010, undivided Koraput district has seen the highest rate of forest cover loss in the State of Odisha with Koraput District losing 34.7% of its forest

[16]Before starting the field work I expected to hear of villager's displeasure at government apathy; especially in relation to the issue of forest and land rights. However, my findings on the ground were different from the discontent which often finds mention in popular media and other reports originating from this region.

[17]https://economictimes.indiatimes.com/news/politics-and-nation/throne-of-blood-maoists-threat-in-orissa/articleshow/4481944.cms

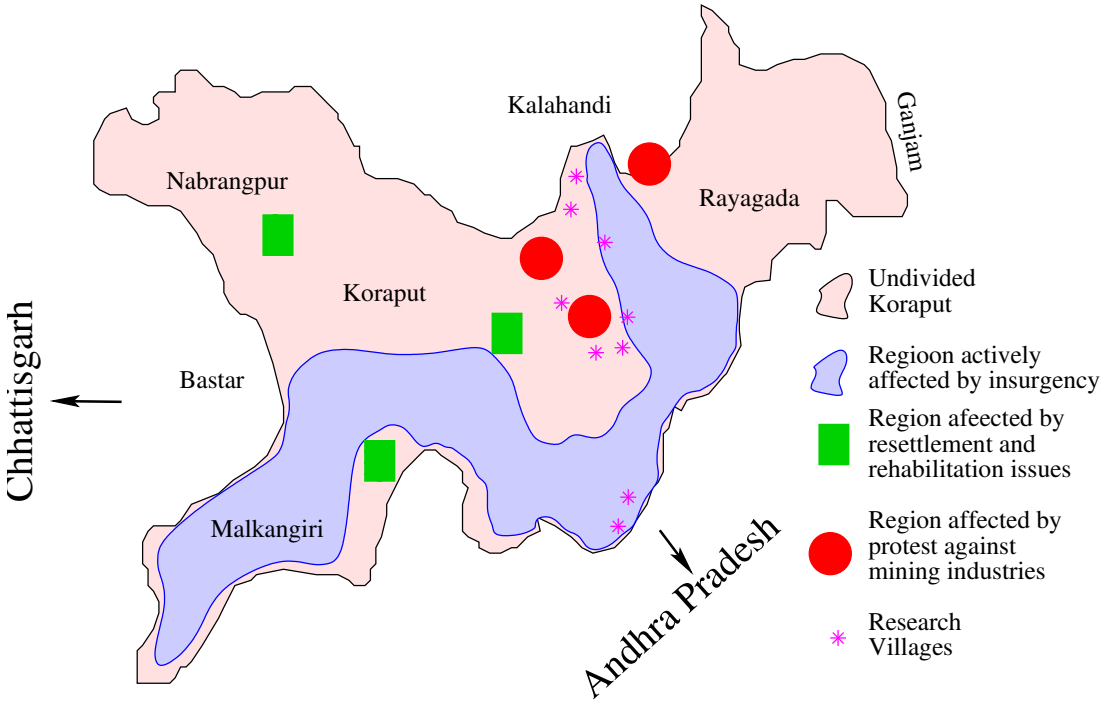


Figure 3.6: Land-based conflicts in undivided Koraput

cover [Reddy et al., 2013].

To address widespread discontent, numerous efforts have been made by the Indian Government to pump resources through various development packages into the region[18]. However, the region's inaccessibility; coupled with armed-conflict and the resulting lack of trust between the inhabitants and government officers have made program implementation particularly challenging. An unspoken fact about Koraput is that it is seen as a punishment posting by Government Officers[19].

[18] http://www.ordistricts.nic.in/programs_schemes/index.php

[19] https://scribeorissa.wordpress.com/2012/05/04/the-independent-mao-republic-of-koraput-and-malkangiri-6/

Chapter 4

Forest Policy and Colonial Impressions

This chapter is divided into three major sections dealing with pre-colonial, colonial and post-colonial narrative and analysis of forest rights history of Koraput.

4.1 Pre-Colonial Period (1450-1886)

Undivided Koraput, before 1450, was an independent tribal region where hill-tribes enjoyed unrestrained access to forest resources. At that time the region was under the control of local chiefs [Mohanty, 2011]. By 1450 a King's family (with origins in North India) established itself in the region and there onwards this region became the Kingdom of Jeypore [Behuria, 1966]. The King invited non-indigenous Hindu people or *'Paik'* to provide them services related to village rent collection and management. These *'Paik'* were gifted cultivable lands by Kings and in the process hill-tribes were pushed deeper into the forest areas [Carmichael, 1869]. In such scenarios tribes cleared forest areas, founded fresh settlements and cultivated whatever land became available [Mohanty, 2011]. On the other hand, once a *Paik* were assigned to tribal villages they ensured that taxes were

regularly collected and sent to the local Revenue Officer or '*Amin*' [Mohanty, 2011]. This arrangement implanted an outsider amongst the hill-tribes for all their dealings with the King and future administrators. With the establishment of the monarchy, access by hill-dwellers to forests was truncated to some extent, however, records shows that the monarch held sympathetic outlook towards the indigenous people [Sahu, 1942] and it did not create any significant trouble over access of forest or land resources [GoO, 1971, Rath, 2000].

Muslim rulers invaded Jeypore in the 16th century and made the King an ally to the Emperor of Hyderabad under an agreement with the King of Vizianagaram. See Figure 4.1 to understand the geographic set up of the Mughal-era Koraput. In 1752, the Kingdom was granted as a *Jaagir* (a title of feudal land grant by the Mughals) to the King of Vizianagaram by the *Subedar* (governer) of Deccan on an annual payment of ₹24,000 [Behuria, 1966]. The local King of Koraput was designated as a *Jaagirdaar* (holder of a feudal land grant) of his Kingdom. Before 1863, the Dutch, the French, the British, the Marathas and the local King fought battles to gain control over the Kingdom. During these times forest resources remained the property of its Kings.

In the late 17th Century, British East India Company arrived on the scene and gained control in the surrounding regions of Jeypore. The King was made a *Zamindaar* or a feudal landlord and in 1802, Jeypore was settled under the Permanent Settlement Act for an annual payment of ₹16,000 in the name of Ramachandra Deo [Behuria, 1966].

4.1.1 The Estate of Jeypore (1802-1863)

In 1802, Jeypore became a private Estate of the King's family [Francis, 1907]. The King agreed to provide British troops with a safe harbour and the British agreed to follow a policy of non-interference in the affairs of the Estate [Francis, 1907].

The Estate provided its own challenges with *"difficulties of access due to mountainous terrain, unending thick forests and extremely malarious surroundings and it discouraged British Officers from coming to Jeypore"* [Carmichael, 1869]. When British officers were

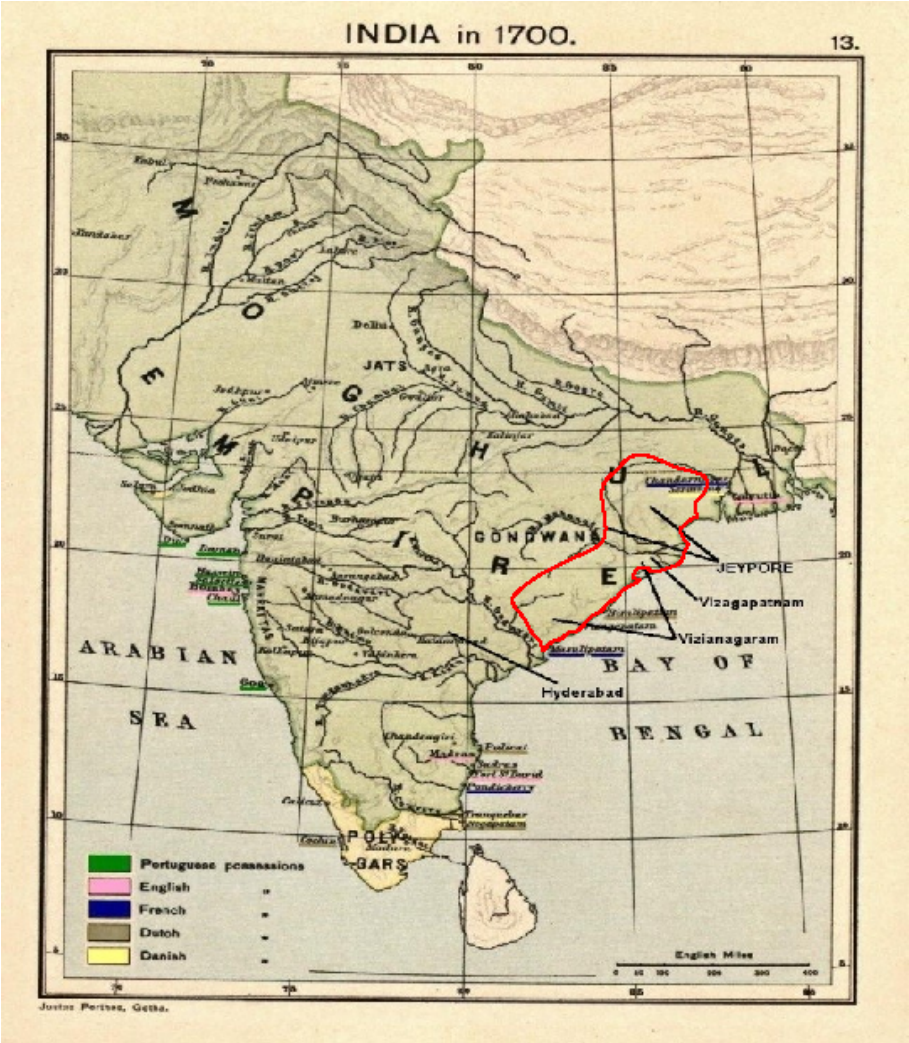


Figure 4.1: Kingdom of Jeypore in Mughal India in 1700 AD marked with red border [Joppen, 1914]

first appointed in the Jeypore Estate in 1863, they all suffered from malaria. No officer would come to serve in Jeypore unless compelled to do so [Francis, 1907].The hazards of visiting Jeypore were considered so high that even during the Permanent Settlement in 1802 Settlement Officers chose not to visit the Estate [Carmichael, 1869]. As a result, British Officers had minimal knowledge of the Estate in the early years of their arrival. So, for many years Jeypore thrived only under the custody of its Kings.

By 1848 there were reports of rampant mismanagement of the revenues of the Estate. Some farmers and merchants reached out to British Officers with their complaints [Francis, 1907]. At the same time, cases of human sacrifice*(Meriah)* by tribal citizens and the practice of self-immolation *(Sati)* of widows in the royal family of Jeypore came to the

attention of the British. In light of these findings, in 1855, the Government of Madras authorised an agent to assume control of police and revenue of the Estate. So by 1863, the British-India Government took over the administration of the Estate to work alongside the King[20] and between 1889 and 1895, it further took control of the general administration [Carmichael, 1869]. However, the governance of local forest resources and control over its produce remained under the King [GoO, 1971].

In pre-colonial years different arrangements existed in Jeypore which defined the use of forests by local inhabitants. In some areas, each forest-dwelling household could practice slash and burn cultivation in unclaimed forest areas upon payment of one or two *anna*[21] per acre of land. If a household or a new village cleared forest to open new farms, it was seen as an act of merit [Behuria, 1966]. A nominal forest cess was collected by the King's appointees from each village. There was no restriction on the use of any particular tree, however, during some point of time Sandal trees were declared royal and only kings could raise Sandal plantations in the Estate [GoO, 1971]. Significantly, in these years collection and consumption of minor forest products was without any regulations [Sahu, 1942]. It was only during the *Dusara* festival (in October) that village chiefs were required to gift some forest collections and crops to the King's palace. These crops were maintained as reserves in the Kings granary and were released during cases of crop failure in the Estate or in neighbouring Estates [Mohanty, 2011]. In other villages, each village chief was allotted a common land for use by the villagers. There were different ways in which this common land was apportioned. In some villages, all the families were given a piece of land and this land was then inherited by their new generation [Rath, 2000].

4.1.2 Forestry in the Estate

In these years some overarching forestry and environmental discourses emerged in other parts of British India [Stebbing, 1922, Barton, 2002]. The Forest Charter of 1855 came

[20] Overtaking Native States seems to have been a, regular practice during these years in British-India. For more insights from Oudh and Burma see [Barton, 2002].

[21] Anna was the formal currency of India until the year 1957

out and along with it began the selective reservation of Teak in the Presidency of Madras [Barton, 2002]. In 1863 the British gained access to Jeypore and their officers started computing information on the forest wealth of the Estate. Systematic efforts were made to document the Estate's forests. Camping teams were sent out to collect information about local flora and fauna [GoO, 1990]. In these years, the forest was dense and diverse with incidences of tiger and bears attacks being common in Jeypore. Hunters and local people were instructed to eliminate dangerous predators with a reward for such an act [Carmichael, 1869].

In 1872, H.G.Turner (the first Special Assistant Agent for Jeypore) reported to the Government of Madras that the King of Jeypore was disposing valuable timber from the Estate at a throwaway price causing widespread deforestation in the Estate[22]. Therefore, river catchments were being denuded on a large scale. He expressed his concern that if the practice was not controlled then water supply to the British territories in the downstream areas of Jeypore would face severe water shortage [Francis, 1907]. His observations echoed the dominant narrative of the British forestry of that time. As was the case elsewhere in British India where such reports became a tool for the British-Indian Government to justify their interest in forest management [Bryant, 1996]. So, in Jeypore, Turner's visit became a key juncture which opened up the Estate forestry to British scrutiny.

Francis wrote about the state of forests in Jeypore *"out of all forest resources in that (Vizagapatnam) District, the forests of Jeypore were the finest and the most extensive"* [Francis, 1907]. It is also known that the regions of Malkangiri, Nabarangpur and Rayagada were well-stocked with dense forests including high quality timber trees [GoO, 1971, Sahu, 1942] and the King operated profitable saw mills in towns of Jeypore and Muniguda [Bell, 1945].

There were many reasons behind British interest in the Estate. Apart from its strategic location, the Estate was uniquely placed in an ecotone of tree transition between the

[22]His observation came from Malkangiri District and its neighbouring areas.

Indian Sal *(Shorea robusta)* and the Teak *(Tectona grandis)*[23] that ran through the Central Indian belt [GoO, 1971]. Moreover, the Estate provided an exclusive trade route between the Central and the Madras Provinces. Between 1889 and 1895, the Estate came under a minor King and during this time the British offered to provide assistance in forestry management. An Estate Forest Officer was appointed in Jeypore [Behuria, 1966]; and soon thereafter began the process of forestry regularising in the Estate.

4.1.3 Raising Alarm in Highlands

By 1888, the British government was seeking to claim the vast timber resources of the Estate and had already sent officers to assess the Estate's forest potential. Between 1877 and 1937, many British Forest Officers visited these highlands and raised alarm over the large-scale practice of slash & burn farming or *Podu*. The plains of Jeypore held good stocks of valuable timber but the highlands surrounding the town of Koraput were described as thinly covered [Rath, 2000] and intensively used for slash and burn agriculture. R.C.S Bell mentioned in his record that *"near Koraput the hills have long been denuded of all their forest growth and are intermittently cultivated to their very summits with dry crops. Elsewhere, the process of denudation has not advanced so far and the hills are usually covered with low scrub, though disfigured with patches bared by shifting cultivation"* [Bell, 1945]. The first Special Agent of British Government, H.G. Turner, on his arrival in the Estate in 1872 made observations on the farming system of the tribal people as *"these pioneers of civilization are generally without ploughs and they cannot keep down the grass with their hoes. The hill-felling will continue until every acre within the village bounds has been exhausted, and it is not till then the ryot (farmer) will begin to manure his low-lying lands"* [Francis, 1907]. These views resonated with then prevalent British notion of tribal farming methods as lazy, destructive and unproductive [Stebbing, 1922].

[23]Between 1895-1937, the British established 9 Forest Research Stations in Jeypore. These stations were used for growth experiments on Teak and Sal plantations [GoO, 2006]

In keeping with Voelcker's concerns [Voelcker, 1893] about the hydrological impacts of forest degradation in British India, Turner raised objections to the continuation of hill farming in the Estate. His observation that the farmers in the Estate did not plough their croplands and felled trees to convert forestland into crop lands became a point of discussion in Madras. Richard Henry Beddome, the Chief Conservator of Forests of Madras Presidency visited the Estate in 1877 and wrote that *"the plateau is wonderfully well watered by numerous streams, which all have their rise in the woods which more or less cloth (clothe) all the small rising hills. These latter were all, at a very recent date, covered with fine forest, but this is fast disappearing owning to the ruinous system of hill cultivation. Numerous hills have already been turned into bare rocky waste, or are only clothed with a few date bushes or the poorest description of stunted growth; if the present system of cultivation is allowed to go on unrestricted, the entire disappearance of all woodlands is only a question of time"* [Bell, 1945]. His observations received support in Madras.

The Chief Conservator of Forests of Madras Presidency further noted in his report that *"over the whole portion of the plateau visited, I did not find a single patch of virgin forest, except here and there very small plots (scarcely over half an acre) where reservation has occurred on account of some sacred stone. Every acre at some time or other (has), been felled and burnt for hill cultivation, and is at the best only second growth; but most tracts have seen probably many rotations of this system, and, consequently, the forests are to be seen at every stage of deterioration"* [Bell, 1945].

Forest-dwelling tribes cleared natural forests in patches and cultivated them for a few years before abandoning them for other patches and return to the previous patch only after some years [Ramakrishnan, 1984]. In Jeypore this practice was locally called as *Podu*. Furthering his observations on the protracted nature of *Podu*, the Chief Conservator of Forests of Madras noted that *"I have nowhere in India seen this hill cultivation so systematically carried out. Directly all the forest with in a certain radius has been felled and cultivated, the village is deserted and the cultivators move off to other tracts to carry*

on the same ruinous system. Numerous deserted villages may be seen all over the plateau; the site is almost always marked by a good many grand old tamarind, mango and champa trees, generally of about a hundred years' growth, and in most cases by a few tumbled down huts; these sites are probably always returned to periodically" [Bell, 1945]. His reporting raised alarm in the forestry circle in Madras and his suggestion to control *Podu* in Koraput was taken up immediately. He convinced the Government of Madras Presidency that the forest in Jeypore Estate needed scientific forest management and the time was just right to introduce colonial forestry [GoO, 1990].

The case of introducing scientific forestry in Jeypore, is no different than many other cases in British India [Sivaramakrishnan, 1999, Barton, 2002]. In Madras Presidency, a number of Estates and regions had already been taken over in the pretext of scientific forest management [Saravanan, 2007]. In 1882, a new forest act called the Madras Forest Act (MFA) was introduced and the Estate of Jeypore became one of the earlier cases of independent Estates where MFA became operational [GoO, 1971].

4.1.4 Colonial Forest Legislation in the Estate (1895-1947)

The MFA was extended to the Estate in 1891, following which a local FD was founded and Eber Hardie was appointed as first Estate Forest Officer (EFO). Subsequently in 1895 the Jeypore Forest and Wasteland Rules or Jeypore Forest Rules were announced [GoO, 2006]. Sample surveys of flora and fauna were undertaken in 1900. In these tours Forest Officers also identified potential areas for forest reservation in the Estate [Francis, 1907]. Some of the salient changes that the MFA 1882 brought into Jeypore are discussed below.

MFA gave power to the Estate to classify forest areas based on production and protection activities. In the first stage, good quality forest lands with stocks of timber were declared as Reserved Lands (RL). It became illegitimate to *"fell, remove, girdle, mark, lop, tap, uproot, burn or stripe off bark or leaves or otherwise damage trees or to graze any cattle with in such area or use, injure or remove any forest produce from such*

place unless permitted to do so by competent authority and no one can set fire with in such area or clear land in such area for Podu *cultivation. Hunting, shooting or fishing is strictly prohibited in any RL unless specifically permitted"* [GoO, 1971]. The rights of inhabitants were completely curtailed within these RL. Between 1900 and 1940, many forest areas were surveyed and declared as RL. In 1906, there were 61 RL (equalling 324 mi^2) corresponding to 2.5% of the total area of the Estate and another 597 mi^2 of the area was under various stages of reservation [Francis, 1907]. By 1940, the number of RL in the Estate went up to 102 [Bell, 1945]. Sarvasiddhi Reserve Forest in Vizagapatnam provided a prototype for forest management in these RL[24]

The EFO and the Agent to the Government (or collector) were empowered to prohibit the removal of forest trees and products from RL and they could declare trees as reserved trees [Rath, 2000]. In 1898, twenty-two trees were declared reserved[25]. Restrictions were placed on felling timber of girth of 3 inches or more, and a licence system was introduced to allow local collection of timber and resins (Lac and Sal). Revenue data shows that a significant share of the Estate's revenue came from its forest. In 1896, Estate earned ₹40,000 from taxes and selling of forest products including timber [Bell, 1945], which constituted almost 40% of the total income of the Estate in that year.

[GoO, 1971] records that only a handful of staff worked in the FD and it was impossible to watch over the large territory of the Estate[26]. A Forest Guard was appointed in every RL with the prime responsibility to police the RL and forward cases of forest offenders to the Foresters in the Range Offices. Accessible forests in the Estate were given on concessions to private companies to harvest timber for railway sleepers. In 1906, monopoly leases were given to M/S. H. Deer and Co. and M/S. Motu Industries. By

[24]While notifying the first Reserved Land in Sarvasiddhi, the British directed the closure of the Reserve only for thirty years. Regulations were placed on the practice of free grazing inside the reserve. The major objective of management was to provide fuel to the railway companies at Waltaire and to the markets along the coast [Francis, 1907].

[25]Reserved Trees included: Sisoo, Bija, Sal, Teak, Aam, Panasa, Bheru, Tangini, Muktamonja, Dhou, Sidha, Mundi, Sondha, Arjun, Mahalimbo, Harida, Kusum, Kora, Sindugundi, Mahul and Anjan. Later on, Sandal and Red Sandal were also added to this list [Rath, 2000].

[26]In 1936, the Estate was absorbed as into a newly created District named Koraput in Odisha. At that time the Jeypore Forest Division was one of the biggest Forest Divisions in India

1910, a timber depot was established in Narsapatanam and harvest from Jeypore was sent to Vishakhapatnam Port [Bell, 1945]. These two companies and a private contractor worked in the Estate until 1939[27].

In 1916, after 16 years of MFA, Protected Land (PL) were introduced into the Jeypore Forest Rules. At the same time local forest-dwelling inhabitants were classified as privilege holders and were permitted to exercise limited rights in newly created PL. These rights included access to poles, fruits and food trees inside PL but shifting cultivation was curtailed in the PL as well [Rath, 2000].Sunsequently, forest lands that were not declared as RL or PL were classified as 'Unreserved Land' (UL). These contained most of the degraded forests and hill lands used by local inhabitants and were treated as open access for the inhabitants. Everything was allowed in UL except for the felling of reserved trees [GoO, 1971].

A few observations from this period stands out. First, although shifting cultivation was used as one of the prime reason to introduce colonial forestry in Jeypore, in the first 25 years (1891-1916) British foresters did not do anything about it. Their focus and efforts were solely directed towards identifying good forests, reserving them and bringing them into timber operations. Thus, raising doubts over the intention of such sudden take over of management. Second, attention to shifting farming affected degraded forests came into being only after 1916 when the World War-I broke out and every standing tree became important in context of the needs of the war. [GoO, 1971] mentions that between 1914 and 1945, all systematic forestry operations in the Estate were interrupted to meet the timber demands for both the World Wars. According to [Bell, 1945] during this period almost all the marketable growth of the Estate was taken out to meet railway and shipping needs. This uncontrolled harvesting and large-scale removal of trees by the Estate Officers should have led to a rapid loss of forest cover in the region [GoO, 1971]. However, the existing documents, both colonial and post-colonial are conspicuously silent about the forest loss during this period. Third, in Jeypore there was an established system of scientific forestry

[27]The companies were initially granted leases for 5 years and continued their operations till 1939 [GoO, 1971]

since 1891 but it was easily disregarded, for instance, according to [GoO, 1971] selective felling was practised regularly in the period between 1900-1960 in an uncontrolled manner. Thus, raising questions over the genuineness of the claims made by the British Officers in [Bell, 1945] citing that the scientific forestry in the Estate was introduced to halt degradation of forest resources.

In 1936 another political juncture saw the alignment of the Estate of Jeypore to the newly created province of Odisha. It's newly appointed Conservator of Forest of Odisha, J.W. Nicholson visited the Estate in 1937 and suggested in his report that *"above 4000 feet there is little forest growth, uncultivated grass lands being the usual vegetation. Below 4000 feet the vegetation is typically forest wherever the population is scanty. In the more populated areas, repeated shifting cultivation over a long period of time has reduced the forest to an open scrub type or barren soil"* [Bell, 1945]. He also insisted on the importance of local forests for climate stability and water regulation; recommending that qualified forestry personnel should take over the Estate's forestry operations[28]. His instructions to the local FD of Jeypore was *"the forest in these ranges are of great climatic importance. They will never be of great economic importance for timber supply unless by natural or artificial means the percentage of valuable species can be increased"* [Bell, 1945] thus, prioritising the protection of forest for climatic stability over revenue generation. However, it is not known if his instructions were ever implemented in actions.

Another major restructuring of Koraput's Forest Administration took place in 1940. Two Forest Divisions were created at Koraput (with 12 Ranges) and Rayagada (with 5 Ranges) and each Division was headed by Divisional Forest Officers [Bell, 1945]. By 1941, in Koraput Division, about 16.5 % of land was declared RL and administration had plans to reserve at least 25% of the total land of the District in the next 20 years [Bell, 1945].

The years between 1936 and 1947 were marked with political unrest in the neighbouring Estates, specifically in the Estates of Kalahandi, Kondhamal, and Bastar, which saw

[28]J.W. Nicholas was one of the key proponents behind the creation of FD in India [Bell, 1945].

strong movements against the British Administration[29]. The King of Jeypore suppressed any revolts and uprisings entering his Estate and did not see any major revolt from its inhabitants at that time [Sahu, 1942].

In synopsis, colonial forest management in the Estate provided the British with unrestricted access to local forest resources. There was a unidirectional focus of colonial forest administration in extracting timber from Jeypore without considering the principles of sustainable or scientific forestry. It was characterised more by exploitative forestry than scientific forestry as it did little to protect the environment of Koraput Highlands in the long run.

4.1.5 Last Mile of Colonial Forestry Administration

Once the World War-II was over colonial forestry had completed 50 years in the Estate. Some of the initial apprehensions raised by officers including Turner, Beddome and Nicholson turned out untrue. R.C.S.Bell was appointed as the first District Magistrate of Koraput in 1938 and he reviewed the status of forestry in the District. He was of the opinion that the earlier Officers had overstated the rate at which forest clearing linked to *Podu* could alter the facade of the region [Bell, 1945]. In the 1870s, when British Officers ignored an essential characteristic that although the landscape looked ravaged by fresh *Podu*, a thick undergrowth quickly regenerated in the fallow patches. Bell refuted the idea that*Podu* had caused any considerable impacts downstream reasoning that *"the practice had survived in Koraput for many years and yet had a comparatively little effect on its local environment"* [Bell, 1945]. On *Podu* he argued that the way it was being practiced in the Estate was not all destructive because the burning of root stock in *Podu* was only superficial and within two or three years decent growth was seen on *Podu* patches. He further noted that in the last 50 years of colonial forestry; the appearance of Koraput

[29]During these years the 'Parajamandal' movement-a Gandhian movement against the rule of local kings and their indifference to the plight of farmers, was active in the part of Central Province and Odisha. One of the key demands of this movement included abolition of Estates and emergence of a United Province of Orissa [Mahtab, 1947].

hills had changed little with or without any efforts of forest protection, arguing that the process of landscape transformation was a slow natural process involving centuries than decade. In his conclusion he wrote that *"it was impulsive of earlier colonial officers to raise concerns in 1877 about the decline of forests in Koraput"* [Bell, 1945].

This change in heart should be seen in the light of bigger ideological changes that were happening around this time. Between 1877 and 1916 when colonial forestry was introduced into Koraput, the dominant narratives on protecting agricultural lands and enhancing revenues were influenced by ideas propagated by likes of Albert Voelcker which went unchallenged for many decades. However, [Jewitt, 1995] had discussed that with the passage of time and experience of the Indian context there was a change in the attitudes of British foresters. By the Second World War, the emergence of sympathetic insiders including Verrier Elwin and Christoph von Frer-Haimendorf had their own influence on ongoing forestry discourses.

colonial forestry in highlands of Koraput, with its persistent nature of hill-farming did not undergo much change in its 50 years of colonial forestry. The ignorance of forest-dwelling tribes of the formal process to obtain permissions to carry on *Podu* or to collect forest produce from administrators did not work well. In light of these local challenges, Bell suggested leaving some areas around each village for local people to practice *Podu* [Bell, 1945]. His suggestion was considered to a limited extent during the first set of major survey and settlement operations that begin in Koraput in 1934[30].

To sum up this section a final remark made by Bell is suitable, he writes, *"it cannot be said that the Jeypore forests are scientifically managed. Silviculture and working plans are almost non-existent. The staff, who are for the most part without technical training are preoccupied in guarding the forest against destruction by the hillmen, who have for centuries been accustomed to consider themselves entitled to (do) as they liked with all forest growth. No attempts have been made to improve the existing crops. It can indeed*

[30]Survey and Settlement operations in Koraput began under British Rule in 1934 and was discontinued due shortage of finances and human resources and later the process came to halt due to the 2nd world war. It was resumed after 1947 and got completed in 1968 [Behuria, 1966].

be said that the economic exploitation of the Jeypore forests has scarcely begun" [Bell, 1945]. The last point regarding the limited economic exploitation of the Estate's forest seems odd given that in span of 50 years between 1900 and 1950, almost 23.7 % area of the Estate's land[31] was declared as RL and extraction of timber was pursued uncompromisingly. However, Bell rightly pinned down the three key takeaways of colonial forestry in Jeypore; a lack of strategic plans, an unsettled Forest Office and wide-spread use of forests by the hill-tribes.

4.2 Post-Colonial Forestry

4.2.1 Abolition of the Estate (1948-52)

India became an independent nation in 1947 and the British Administration left the Estate of Jeypore to the King's family. In the line of political reforms, in 1951, the Indian Government abolished the system of *Zamindary* and took direct control over the landed properties of Jeypore Estate. The King of Jeypore was asked to decide his affiliation with Independent India to which he agreed swiftly [Menon, 1956]. The Estate of Jeypore was formally assimilated to the rest of Independent India on 31st of December 1952.

A lot was happening on polity fronts during this period. On the one hand, in 1950, hill-tribes and other tribal inhabitants of Koraput were granted a new identity of Scheduled Tribes (ST) by the GoI, bringing some constitutional safeguards to them. At the same time, colonial land-related acts were replaced by their local versions[32]. At this point of time, all commercial forestry activities were put on hold except for a few selective felling operations. Although the local-level trade of timber and forest-products continued without any restrictions [GoO, 1971].

[31]The total area of the Jeypore Estate was 11,572 mi^2 [Carmichael, 1869].

[32]The key ones were- the Orissa Scheduled Areas Transfer of Immovable Property (by Scheduled Tribes) Regulation of 1956; and the Orissa Land Reform Act of 1960.

4.2.2 Forestry During Political Transition (1950-60)

At the time of Estate handover, around 2702.7 mi^2 of land was classified as forestland, out of which 596.35 mi^2 was RL and 38.84 mi^2 was PL [Senapati and Sahoo, 1966]. Between 1952 and 1957, forest administration was handed over to a newly created Department of Revenue and 10 Forest Officers were put in charge of 10 forestry regions in the District [Mohanty, 2011].

Under revenue reforms the *Mustajari* land rent system of Koraput was replaced with the *Ryotiwari* system[33] [Senapati and Sahoo, 1966]. In 1957, forestry was reallocated to a newly created Divisional Forest Department[34]. Therein, Koraput was reorganised into the Forest Divisions of Rayagada and Jeypore, each consisting of 15 Forest Ranges with Foresters, Forest Rangers and Guards [Mohanty, 2011].

Amidst these administrative reorganisations, the key focus of forestry remained on timber production with emphasis on trees including Bija *(Petrocarpus marsupium)*, Teak *(Tectona grandia)*, Sisso *(Dalbergia latifolia)* and Gomar *(Gmelina arborea)*. To meet timber demands for railways and industrial expansion, reservation of forestland was pursued with vigour. By 1957 an area of 5000 mi^2 was notified as RL and another 1714 mi^2 was declared PL [Mohanty, 2011]. By then, forestland constituted 58% of the total land of undivided Koraput District. Such scale of reservation of land was unprecedented and it quickly surpassed the colonial ambition of reserving about 25% land of Koraput [Bell, 1945]. However, there was a difference in the state of the two Forests Divisions. In Jeypore Division, forest lands could not be declared as reserved lands till 1960 [GoO, 1971]. Being a lengthy process, all it's stages could not be completed and most of the RL were left in various intermediary stages. In Rayagada Division, reservation took place on a much larger scale [GoO, 1990].

[33]These were the two prevalent rent collection systems in the British India. In Koraput a chief collected revenue from farmers and deposited it to the treasury. Such a system of working through a chief was called *Mustajari*. In the other system called *Ryotwari*, farmers made direct payment of rent to the treasury.

[34]Some small areas of forest were left with the Revenue Department that could be leased out as cultivable fallow lands [Mohanty, 2011].

In 1957, the Jeypore Forest and Wasteland Rules of 1895 were replaced by the Koraput District Forest and Wasteland Rules of 1957, followed by the Koraput District Reserve Land Hunting and Shooting rules in 1958. However, the MFA-1882 remained unchallenged [GoO, 1971]. [Guha, 1983] has criticised the adoption of colonial acts with minimal changes by the new government after Independence. The new forest regulations in Koraput were new only in their nomenclature; in terms of their text they were reproductions of the earlier Forest Rules of 1895 [Rath, 2000].

In 1962, as a major reform, the practice of leasing coups in government-controlled forests to contractors and other private companies was discontinued. The onus of timber harvesting and management of non-timber forest produces was handed over to a newly constituted State franchise called the Orissa Forest Corporation Limited (OFCL) [GoO, 2006]. By 1971, the OFCL[35] had set up many saw mills in the Division. These mills produced sleepers and sawn timber to be sent throughout the country[36]. In these years, the towns of Jeypore and Rayagada became hubs for private saw mills [GoO, 1971].

A major shortcoming of colonial forestry in Koraput included absence of any systematic forest plans. The first Working Scheme for the Reserved Lands was drafted for the Division of Jeypore for the period 1966-71. This Scheme remained as its only forest plan until 1990. On similar lines, the Forest Division of Rayagada had to wait until 1990 to get its first forest plan. Circumstances clearly point towards a long neglect of efforts to systemize forestry activities in the region. Thus, it emerges out that systematic forest management in a large part of Koraput did not exist until the 1990s.

The major objective of the first Working Scheme was to utilize abundant Sal *(Shorea robusta)* and Bamboo forests of the Division. The scheme introduced a Working Circles

[35]OFCL was a State Government undertaking.

[36]Before 1971, only sleepers of varying sizes of Bija, Sal and Teak were exported throughout the country in increasing quantity. When OFCL took control of forest marketing, products like Kendu, Asan, Dharua, Mango and other soft wood began to be exported for industrial use. Until 1970, OFCL extracted 8,500 cubic meters of timber annually from Jeypore forests, 60% of which was Sal [GoO, 1971].

(WC[37]) system into the Division where segments of plots within RL were managed for a specific objective such as regeneration, bamboo, tree growth, wildlife etc. A series of annual activities were proposed for each of these circles. WC were to be marked out using eye estimates (for productivity) and they remained without any proper demarcations[38] for many decades [GoO, 2006].

A look at the first Scheme reveals that the only focus was on timber and the scheme was just a technical document. It was designed on the lines of similar plans produced elsewhere in India at that time. Evidence shows that between 1950 and 1970 commercial exploitation of bamboo was undertaken at irregular intervals and many coupes were abandoned mid-way because of the exorbitant cost of extraction and transportation [GoO, 1990]. About the rights of forest-dwellers, there was no mention of them in this scheme. In 2015, many WC were still in existence and their records are mentioned as brief notes in the compartment histories of RF.

4.2.3 Devastated State of Reserved Lands: Forest Plans (1971 and beyond)

In 1971, OFA replaced the colonial MFA. Concomitantly, the first Forest Plan was introduced in Jeypore Forest Division for the period of 1971-1990. Zero timber yields were projected for RL in the first 10 years of the plan. Heavy biotic interference and illicit felling in RL and PL were rampant [GoO, 1971].

Taking a step backward at this point, as RL and PL were under constant colonial and post-colonial supervision there are a couple of points to ponder. First, the Forest Plan acknowledged that RL suffered from heavy biotic interference. Second, it stated that the key factor for this interference were the local inhabitants. This raises questions over the

[37]Six Working Circles (WC) were constituted under this Working Scheme. These included the Sal selection WC, selection WC for miscellaneous species, the Bamboo WC, the Teak plantation WC, the Protection cum Rehabilitation WC and the Minor Forest Produce WC [GoO, 1971].

[38]Only the previously established plantations of Teak and Sal were surveyed and assigned some identification numbers [GoO, 1971].

grounds on which RL or PL were delimited at the first place. RL were taken over as well-stocked forests in the 1900s [Francis, 1907] which means their quality declined during the time they were under systemic management [Reddy and Chakravarty, 1999]. Forest Plans and District Gazetteers also blamed local tribes for forest destruction; but they also point out the uncontrolled extraction of timber by both colonial and post-colonial Governments as a more significant reason for the disappearance of forest in Koraput. Archival research on forests trade and use could throw further light on this synthesis.

Under the MFA, declaration of a land as RL was justified based on the claims of sufficient forest resources were available outside RL to meet local needs. The state of RL in the 1950-60 raises questions about the effectiveness of forest use sanctions and the adequacy of forest use privileges provided to the local population. It also raises scepticism about the effectiveness of the Forest Administration which had largely failed to render protection even to RF.

Existing forest narratives from Koraput are over laden with the views that forest-dwellers are responsible for forest degradation in Koraput. Conspicuously missing is any discussion about rampant timber extraction between 1900 and 1980 on numerous pretexts. The outflow of timber from Jeypore during the colonial years, the extraction of timber during the early years of Independence by the GoO, timber use by industries[39] and the impact of large scale forest clearing for the resettlement of Bangladeshi citizens in the 1970s remains unstudied. There were numerous State-assisted factors which played a role in stripping Koraput off its forest cover and the blame placed on forest-dwellers in the presence of these other big actors seems unjustified. Having discussed the forest policy of colonial and post-colonial State in Koraput. I will now move my focus on the status of forest rights of local inhabitants in the study area.

[39]including NALCO, HAL, JK Paper and Utkal Alumina

Chapter 5

Tribes and their Lost Forest Rights

As the Estate of Jeypore was predominantly inhabited by hill-tribes, its forest history remains irrelevant without a consideration of its people. Section 4.1.3 of the last chapter, discusses that the colonial records of Koraput did not portray local inhabitants in any positive light. The phrases used to address the practices of forest-dwellers reflected the then common dominant orientalist narrative of forest people [Guha, 1983, Guha and Gadgil, 1989]. These narratives have frequently portrayed hill-tribes as wild, barbaric, lazy, intoxicated, wasteful and uninformed [Jewitt, 1995]. Their cultivation system is often described as lazy, primitive, perilous and damaging to the environment [Stebbing, 1922, Bryant, 1996]. In Koraput, description of luxurious forests of Jeypore were also juxtaposed with disparaging discussions of their inhabitants [Carmichael, 1869, Francis, 1907, Bell, 1945].

In post-colonial Koraput, representation of the cultivation practices of its hill-tribes did not divert much from it's colonial critiques [Senapati and Sahoo, 1966, GoO, 1971]. In India, the overall language used to describe tribal land use practices remained unchanged [Guha, 1983, Guha and Gadgil, 1989, Jewitt, 1995, Sivaramakrishnan, 1999]. Narratives as recent as the Forest Plan (2006-2016) has liberally used terms like encroachers, damaging practices and perilous, while referring to the use of forestlands by tribes [GoO, 2006]. Sections 5.2, 5.3 and 5.5 have explored in detail some of the impacts that colonial and

post-colonial forestry processes and policies had on Koraput's tribal citizens.

5.1 Resistance and Tribes of Jeypore

Interestingly, public records from Koraput are completely silent about the resistance shown by tribes in Jeypore against the colonial or post-colonial state. Writings from the other parts of India [Guha, 1983, Rangarajan, 1998] have highlighted the preponderance of such conflicts in many regions. Around Koraput, the neighbouring Estates including Kalahandi, Bolangir and Ganjam had revolted against the colonial administrators, in the form of a significant Parajamondal movement[40]. Yet Jeypore remained unaffected unrest against the British or it's Kings for a long time [Sahu, 1942]. There could be two reasons for this. First, it may be the case that such resistance did not find a space in public records. Second, as the local kings shared friendly relationship with the British [Bell, 1945] so any efforts of resistance may have been controlled at source by the Kings. Colonial records indicate that in the early years of colonial interference the British generously rewarded the King for his cooperation [Francis, 1907]. Another strategy that worked for the King included assimilation of faithful *Paiks* in tribal villages who acted as their eyes and ears [Behuria, 1966]. These two tactics coupled with the regions' geographic isolation seemed to have helped in discouraging unrest in the hill-tribes of Koraput.

5.2 Privileges, Permits, Royalties and Restrictions

The subsistence needs of tribes were met largely from the forests for small timber and poles, firewood, brushwood, timber for farm implements, bamboo and other forest produce like leaves, roots, tubers, seeds and a place to graze their cattle [Bell, 1945]. Once the Estate came under the statue of forest laws in 1895, customary rights were discontinued and rights were reorganised as 'privileges' [Sivaramakrishnan, 1999]. Members belonging

[40] A mass movement in Odisha against the British colonial rule which reached its peak between 1920 and 30s. It was led by the Indian National Congress and staged by the local farmers [Mahtab, 1947].

to 43 different tribes and forest-dwelling castes were listed as privilege holders and afforded some use of forests managed by the British [Rath, 2000]. It included continuing some occupation of forestlands, cultivation and collection of forest products[41]. By adopting a system of privileges, forest administration classified users as insiders and outsiders, and formulated different access regulations for these two groups. Privilege holders were given permits to take some timber for their domestic use, but for other products like firewood, grass, leaves, fruits and bark, royalty had to be paid to the local forest department. Different rates of royalties were applied to privilege holders and outsiders and these were regularly published in a Schedule of Rates (SoR) [GoO, 1971]. In many ways, introduction of SoR in Koraput marked the very first instance where its forest-dwelling people were given a collective identity as a privilege holders.

The first SoR was released in 1916 [Bell, 1945] and it affected forest-dwellers in a variety of ways[42]. On one hand, SoR formed the basis of penalties and fines, and on other hand, it de-recognised the system of barter as a mean of transaction. Furthermore, key local cultural activities including preparing liquor from Palmyra, Mahua and Rice were rigorously regulated and criminalised. A sample of a SoR from the year 1961 is shown in Table 5.1. For administrative purposes, these arrangements ensured that British officers could limit the number of authorised forest-users in the Estate and generate more revenue from forest use. The nature of SoR did not undergo any major change in the 100 years of their existence [GoO, 2006] and included almost everything that a tribe would normally collect from forests either for consumption or for trade.

Table 5.1: Rate of Schedule for the year 1964- 69

Commodity	**Product**	**Rate (₹/ Unit*)**
Timber / Reserved Trees	Teak	20 / CL, 1 / HL
	Sisso, Sal, Bija	12 / CL, 0.8 / HL

Table continued on next page

[41]Forest-dwellers were given the identity of privilege holders as a permit to access and a means to control forest land which was being divided into Reserved/Protected or Unreserved Lands.

[42]These SoRs became a regular feature in post-independent Koraput and were applicable for produce originating outside Reserved Lands, Protected Lands and Un-Reserved Lands [GoO, 1971].

Table 5.1 – *Table continued from previous page*

Commodity	Product	Rate (₹/ Unit*)
	Panasa, Mahul, Kendu, Kusum, Arjun, Ambo, Tentuli, Karunjo	6 / CL, 0.8 / HL
Trees-liquor	Date tree	0.80 / Tree
	Palmyra tree	2.80 / Tree
Grasses, leaves and related fibres	Canos Rattan	0.5 / CL, 0.3 / HL
	Reeds, thatch grass, Sabai grass, Broom grass, Siali beans, Date leaves, Mahul leaves, Palash leave, Tamarind seeds	0.03 / HL
	Reed mats	0.30 / CL
	Siali fibre and others	0.06 / HL
	Palmyra leaves	1.00 / 1000 leaves
Tree Bark	Sunari	10 / CL
	Sal, Sahaj, Cassia	0.20 / Maund
	Achu	0.40 / Maund
Flowers, Seeds, Cotton, Medicines	Mahua flowers, Mahua seeds, Soap nuts, Karonja seeds, Skikakoy seeds, Harida fruits, Amala fruits, Beal fruit, Semul cotton, medicinal herbs	0.10 / Maund
Tamarind	Tamarind with seeds - export only	0.16 / Maund
	Tamarind without seeds- export only	0.20 / Maund
	Tamarind- local use only	0.90 / Maund
Others	Sal resin, Lac	0.60 / Maund
	Honey	0.4 / HL
	Wax	1.12 / Maund
Animal Horns	Sambar	0.12 / Maund
	Deer	2.80 / Maund
Animal Skin	Wild buffalo	0.80 / Maund
	Sambar skin, Bison skin, Wild buffalo skin, Bear skin	0.40 / Skin
	Deer skin, wild goat skin	0.10 / Skin
Silk	Cocoons	0.20 / Maund
Minerals and Stones	Iron ore	1.4 / CL
	Red earth, Rough stone	0.1 / CL

Table continued on next page

Table 5.1 – *Table continued from previous page*

Commodity	Product	Rate (₹/ Unit*)
	Chiselled stone	0.2 / CL
	Metal, Gravel	0.06 / CL
	Limestone	0.1 / CL
	Gold	6.00 / Family / Year
Fuelwood	Green	0.12 / CL, 0.1 / BL, 0.06 / HL
	Dry	0.6 / CL, 0.06 / BL, 0.03 / HL
	Charcoal from Reserve lands	1.8 / CL, 0.1 / BL, 0.06 / HL
Bamboo	Big sized	2.8 / CL, 0.2 / HL
	Small sized for export	2.0 / CL
	Small sized for local use	1.0 / CL, 0.1 / HL
	Split for export	5.0 / CL
	Split for local use	1.4 / CL
	Piccata for export	3.12 / CL, 0.3 / HL
	Fencing	0.5 / CL, 0.2 / BL, 0.1 / HL
	Split for fencing	0.2 / BL, 0.1 / HL

*{CL = Cart Load, BL = Basket Load, HL = Head Load, 1 Maund = 11.34 kg}

In the meantime, under MFA British introduced a composite fee known as plough tax *(nongol panno)*. This was a timber tax for the use of trees with a girth of more than 2 inches. In Koraput, timber with diameter larger than 2 or 3 inches was essential to make basic farm implements, including ploughs. Records show that in 1940, the Estate earned about ₹23,000 from this tax. It became extremely unpopular with the tribes in the Estate[43] [Bell, 1945]. The overall effect of the royalty, taxes and permits on forestry produce was evident in the increased share of forest revenue in the treasury. In 1896, it contributed ₹40,000 to the overall revenue [Rath, 2000] and by 1940, its contribution went up to ₹400,000 in a year[44]. After independence, in 1949, the unpopularity of this tax forced the new government to withdraw it from the whole of ex-Madras Presidency. In the same year, the Jeypore Forest Rules were amended and the allowance of timber for privilege holders was increased to 3 feet girth [Senapati and Sahoo, 1966].

[43]Before the British started penalising *Podu* in the Estate, most of the hill-farmers didn't used to plough their lands. However constant pressure to abandon hill-farming and adopt settled farming on plain lands increased their need to own a plough.

[44]Timber contracts earned ₹111,000, timber permits added ₹75,000 and minor forest products earned ₹65,000 in cash. Plough tax contributed ₹23,000 to the income derived from the timber permits [Bell, 1945].

Table 5.2: Rates for grazing cattle in Jeypore Forest Division (1964-65)

Grazing	**Kind of Cattle**	**Rate per Head per Annum**	**Forest Type***
Tenants or Privilege Holders	fully grown Buffalo	NA	RL
	Bullock, Cow, Donkey and Pony	0.2	UL
	calves of Buffalo, Bullocks, Cow, Donkey, Pony	0.1	UL
	full grown Sheep	0.1	RL
	Sheep calves	0.016	RL
Outsiders	Buffalo, Cow, Donkey, Pony	0.4	All forests
	Sheep	0.2	All forests
	Goat	0.3	All forests

*{RL= Reserve Land, UL = Un-Reserve Land}

Demarcation of forests as RL (since 1895), PL and UL (since 1916) placed further restrictions on free use of forest land. Right to graze cattle had to be purchased by paying a permit fee [GoO, 1971]. Privilege holders were only allowed to graze their cattle in UL and Village Forests. In contrast, outsiders or non-privilege holders could buy permits to graze cattle in any kind of forest land. Most likely, these outsiders included professional grazers, regional traders, private industries and agencies like the Railways and the Military Services. Table 5.2 shows rates of grazing for the year 1964-65. The per unit rates for cattle grazing were generally high which must have discourages privilege holders from taking their cattle to these forests. Ability to pay for forest use was higher for outsiders than for privilege holders. For the years 1964-69, the FD earned ₹637,693 from NTFP, ₹57,446 from firewood and ₹26,108 from the sale of grazing permits [GoO, 1971], indicating that the local use of forest as grazing grounds was a significant forest activity in that period.

Prior to the implementation of the Jeypore Forest Rules in 1895, forest-dwellers of Jeypore regularly traded, exchanged or bartered forest and farm products for various other necessary items and services [Sahu, 1942]. With MFA in place bartering and lending of forest products became illegal[45] [Francis, 1907]. To further complicate matters, colonial

[45]Local trade mostly involved modest selling, bartering or lending of forest products to traders or in the local weekly markets. Barter was for items like salt, sugar, oil and tobacco. Koraput was strategically placed between two bigger trading towns of Raipur and Vishakapatnam, thus it always had a large footfall of visiting traders in its local *Haats*.

and post-colonial forest laws of Koraput only permitted the use of forest products for subsistence [GoO, 1971], but never defined the limits of subsistence needs. Thus, keeping this arena open for subjectivity and misuse by the local Officers [Elwin, 1964].

The next section, discusses the impact and process of forestland reservation in Koraput. As records from the pre-colonial era were not available an analysis of post-colonial records is given below.

5.3 Forest Reservation in Post-Colonial Koraput (1968-2000)

In Koraput, between 1907 and 1952, about 121 Forest Blocks (FB) were declared reserved. There is no documentation of the reservation process in the existing public records from the colonial era. Although, these details are available for post-colonial period, between 1968 and 2000. So this section, discusses a few of those cases to throw light on the nature of the reservation process and its implications on the rights of forest-dwellers.

5.3.1 Ampaballi Reserved Forest (1968- 1984)

One of the first cases of forestland reservation in the post-independence era in Koraput, was that of Ampaballi FB. In 1968, 910.57 ha of this forest was proposed to be a RF. Its preliminary notification was released in 1974 under the OFA [GoO, 1972]. Soon after, a Forest Settlement Officer (FSO) initiated enquiries on the status of land and raised objections regarding some wrongly placed boundary pillars. FSO gave directive to the Divisional Forest Officer (DFO) of Rayagada to re-position these pillars[46]. For reasons unspecified, the DFO did not take any corrective measures until 1981. A follow up enquiry visit to the site was made by a new FSO in 1982, who pointed out that the proposed RF

[46]These records are available at the Sub-Collectorate in Koraput as lettered communications between officers.

contained a part of a non-surveyed Jungle land (a kind of un-surveyed forest land held by Revenue Department). Once again, the DFO was instructed to conduct a fresh survey of the jungle area and include its whereabouts in the proclamation document. To further add to the complications, a forester surveyed this jungle and found out that some of the boundary points of the proposed RF overlapped with another Proposed Protected Forest (PPF). In turn, FD investigated the case again and clarified that the area proposed for RF had already been proposed as a PF at some point in the early 1960s but was yet to be declared so. After many vacillating deliberations between the FSO and the DFO, it was decided to dispose the previous proposal and declare Ampaballi as a RF. So, after a long meandering process of 15 years, Ampaballi was notified as a RF on the 17$^{\text{th}}$ of November 1983 [Collection, 1984].

The case of Ampabali RF highlights some innate glitches in forest reservation process. In the absence of regular surveying and record-keeping of revenue land, more than often, no one knew the details of the land proposed for reservation. It usually took a long time for the DFO office to act on the objections. The process depended heavily on cooperation between DFO office and Revenue Office.

One of the stages of forest reservation under the MFA and OFA, calls for settling claims on proposed forestland from local inhabitants. In Ampaballi RF some activities were permitted for local forest-dwellers. These included use of forest land for grazing of livestock, collection of NTFP and forest fruits, and use of local dirt road which crossed through the forest. Record shows that the process undertaken to settle these claims was a convoluted process. In March of 1984, a Forester submitted a notice acknowledging that the surrounding village councils had given their consent to declare Ampaballi as a RF without any objections. Alongside, he submitted a recommendation to cancel grant given to villagers to use trees inside the RF. The FSO asked the Officer to provide reasons for making such a suggestion. The Forester believed that villagers were involved in cutting trees and their frequent use of trees would prove detrimental for the RF. Knowing this, the FSO arranged another visit to the area and held discussions with the DFO. the DFO

Office took a stringent stand on the issue arguing that there was sufficient unreserved forest for villagers to meet their daily needs of fuel wood, NTFP and timber. Therefore, only collection of fruits should be permitted inside the RF [Collection, 1984]. Whether the local use rights of inhabitants were further trimmed down, remains unclear, as this was the last communication on record for Ampaballi RF.

In the latest Forest Plan of Koraput [GoO, 2006], Ampaballi is recorded as a RF and since 1967 various forestry operations are being pursued in it. The whole RF comprises of various bamboo improvement series which are under absolute protection. The prescription for Ampabali RF clearly mentions that the *"area shall be fully protected from all sorts of biotic interferences besides maintenance of forest boundary which is in deplorable condition"* (Compartment History, Ampaballi RF [GoO, 2006]). Giving an idea that human interference is prevalent, even in the light of the fact that the RF is under protection for so many years. The situation further stands in contradiction to the original proposal which was proposed on the ground that sufficient forest resources were available for local users in the vicinity of the RF.

Field investigation in 2014, in one of the villages showed that villagers had regular access to a part of Ampaballi RF. In the absence of active involvement of the Forest Office, villagers were unaware of any restrictions on their forest use. Indeed, collection of bamboo and other items from RF was norm. Moreover, a few families were also found growing food crops inside RF land [HHS-003, 2014]. Compartmental history records showed that about 15.00 ha of land in RF was occupied under *Podu* cultivation [GoO, 2006]; a situation that brings these villagers in direct conflict with the FD.

Differences in the *de-jure* and *de-facto* state of this RF came further into light when a group of local forest users narrated *"that about 20 years ago, a local Forester raised a bamboo plantation on a part of a dongar (hill) where our families used to cultivate Mandia. The Sarpanch (village chief) had suggested the Forester to use our parcel of land. He was a powerful man, so he did not consult my father about it. Once the Bamboo shoots were being planted my uncles tried uprooting them. The Forest Officer threatened them with*

legal action and asked them to occupy some other land" [HHS-003, 2014]. In this incident, 20 households from this village lost a part of their cultivated forestland to the goverment raised plantations. In RF notification document these claims are not mentioned [Collection, 1984]. The ex-chief confirmed that a part of the bamboo plantation is on customary forestland of some families. However, he was hopeful that under Forest Rights Act the affected families would get rights on some of those lands (personal communication)[47]. The forest guard of the area was unaware of this case and ignored the complexity of the case by citing his frequent tussles with villagers while starting any new plantation in the area. He went on to say that *"in recent years it has become extremely challenging to get cooperation from local people in villages"* [GD-03, 2014]. When this issue was further probed, the forest guard placed responsibility for the misdeed on a retired colleague [GD-03, 2014].

5.3.2 Gaps in Forest Reservation Process

This sub-section summarises findings from the analysis of 12 existing Proposed Reserved Forests (PRF) which spreads across the study site (see Table 5.3).

Table 5.3: Forest Reservation Issues in Koraput forest Sub-division

Reserved Forest Details	**Issues**	**Status of Inhabitants' Rights**
Name : Kodingamali Type : FB Area : 3695.0 acre FN : 06.10.1970 LN : 09.05.1985 LN-FN : 14.6 Years	(a) Confusion with another existing RF, (b) Failure to submit Panchayats acknowledgement, (c) Boundary clearance report not submitted, (d) Final maps not submitted	No claims received
Name : Raisil Type : RF Area : 3200.0 acre FN : 05.11.73 LN : 04.02.1994 LN-FN : 20.3 Years	(a) Map out of order, (b) Unsurveyed Jungle land, (c) Delay in submission of Panchayat acknowledgement, (d) Presence of an encroached village	(a) No claims received, (b) Encroachment issue

Table continued on next page

[47]Personal communication with the ex-*Sarpanch* held on 26th January 2014 at the *Panchayat* granary of Tala village.

Table 5.3 – *Table continued from previous page*

Reserved Forest Details	**Issues**	**Status of Inhabitants' Rights**
Name : Minapai Type : PL Area : 286.2 acre FN : 06.07.1972 LN : 06.08.1985 LN-FN : 12.1 Years	Delay in submission of Panchayat acknowledgement receipt	No claims received
Name : Bandikar Type : RF Area : 757.0 acre FN : 19.07.1984 LN : 29.09.2007 LN-FN : 23.2 Years	Boundary clearance report not submitted	No claims received
Name : Sunki Type : RF Area : 917.3 acre FN : 11.05.1979 LN : 09.07.2007 LN-FN : 28.1 Years	(a) Correction in proposal, (b) Boundary clearance report not submitted, (c) FB included some revenue land, (d) New recording and maps not received	(a) Discussion over rights on trees, (b) fuel-wood and forest road
Name : Gangrajpur Type : FB Area : 2272.0 acre FN : 01.05.1973 LN : 09.07.2007 LN-FN : 34.1 Years	(a) Numbering of pillars not exact, (b) Clarification over a busti (revenue village land), (c) Boundary clearance report not submitted	No claims received
Name : Kolab Type : RF Area : 531.4 acre FN : 27.04.1981 LN : 09.07.2007 LN-FN : 26.3 Years	(a) Confusion over tehsil, (b) Plot details of some villagers needed, (c) Boundary clearance report not submitted	No claims received
Name : Pottangi Type : FB Area : 6426.0 acre FN : 10.09.1973 LN : 09.07.2007 LN-FN : 33.8 Years	(a) A part of the land leased to a local company, (b) Non-compliance in numbering boundary pillars	Objections raised by villagers

Table continued on next page

Table 5.3 – *Table continued from previous page*

Reserved Forest Details	**Issues**	**Status of Inhabitants' Rights**
Name : Deomali Type : FB Area : 4609.1 acre FN :11.05.1979 LN : 05.10.2007 LN-FN : 28.3 Years	Boundary clearance report not submitted	Villagers claimed social forestry sites
Name : Kundali Type : RF Area : 1410.0 acre FN : 25.03.1980 LN : 09.07.2007 LN-FN : 27.3 Years	(a) The area was recorded as a hill in the revenue records, (b) Re-survey of the area ordered, (c) Compliance report not submitted, (d) Maps not submitted	No claims received
Name : Sunki Type : RF Area : 917.3 acre FN : 11.05.1979 LN : 09.07.2007 LN-FN : 28.3 Years	(a) Boundary clearance report not submitted, (b) Final map not submitted	Claims of villagers discussed
Name : Naranga Type : PL Area : 1067.6 acre FN : 10.11.1974 LN : 07.07.2007 LN-FN : 32.6 Years	(a) The land was registered in the revenue records, (b) Boundary clearance report not submitted, (c) Final map not submitted	No claims received

FN = First Notification, LN = Last Notification, RF = Reserved Forest, PL = Protected Land, FB = Forest Block

Table 5.3 shows that a majority of forest reservation cases were notified in 1970s and took an average of 21 years to get notified as RF. In more than 50% of the cases claims from local inhabitants were not received during the proceedings of reservation.

All these forest reservation cases are considered closed but none of them have com-

pleted the stages of reservation[48] and therefore, they are yet to declared as RF under the Section 21 of IFA-1972 [Interview-54, 2014]. The first District Collector of Koraput, R.C.S. Bell had also refrained from using the term RF for the FB in the Estate of Jeypore. Citing reason that during the colonial period the process of reservation remained incomplete and as a result most RL did not had their Final Notifications [Bell, 1945]. In the current Forest Plan of Koraput [GoO, 2006] many of these cases are referred as RF.

A commonality in these cases is that they were pursued for about 15 to 40 years. Such long delays were invariably due to the slow response from the local DFO office [49]. For instance in the case of Deomali RF the FSO demanded a revised boundary clearance for an 8.5 km stretch of in 1985. The Forest Office was sent more than 50 reminders before they submitted those boundary details. Subsequently, the enquiry visit of the FSO was delayed until January of 2008, because of the absence of these details [Collection, 2007b]. Similarly, in the case of Pottangi PRF, the FSO had asked the DFO in 1981 to align some boundary pillars which were wrongly mentioned in the proposal, but even after numerous reminders no response was ever received from them [Collection, 2007g].

A further analysis of these records shows that such departmental inaction was not penalised. Internal communications record of DFO office does shows use of strong-worded instructions addressed to the lower ranked officers to cooperate in these matters. For instance, in the case of Minapai RF, the DFO reprimanded the Range Officer in writing: *"In spite of issue of several reminders cited above you have failed to submit the acknowledgement receipt obtained from each Gram Panchayat adjoining to the above name Reserve Forest, which shows your failure in carrying out the order of the undersigned. You are therefore directed to issue necessary instructions to the forester concerned and get the work done with 7 days. Further you are requested to report the name of the forester who may*

[48] Under [GoO, 1972], Forest Reservation (under Section 4) includes the following stages: Notification by State Government, bar to accrual of forest rights and bar of suits, proclamation by FSO, inquiry by the FSO, extinction of rights, claims relating to practice of shifting cultivation, claims to rights of way or water-courses, recording of rights, commutation and appeal, revision (if needed), notification declaring forest reserved under sub-section (21) and publication of notifications in neighbourhood [GoO, 1972].

[49] In the case of Sunki FB the Forest Court sent 93 reminders to the DFO asking them to submit final maps and boundary reports [Collection, 2007h]. Similar findings have emerged from cases records for Kundali FB, Deomali FB and Pottangi FB.

disobey your order in the matter. Any delay and deviation in the matter may be viewed seriously" (Internal communication as recorded in [Collection, 1985]).

Case studies also shows that the FSO appear to have executed their jobs earnestly. This marks a significant contrast with [Sivaramakrishnan, 1999] description of colonial FSO as interfering and excessive in their efforts to protect RL and oblivious to the needs of local inhabitants in the forest reservation process. Case records from Koraput, shows that inspection and inquiry visit from FSO gave thoroughness to the process. For instance, in 1983, a FSO visited the PRF at Sunki and found out that cairns for boundary markings at two points were not in place and ordered the Forest Office to revise them. He undertook another follow up visit in 1984 to see that these boundary pillars were correctly placed and there was no ambiguity about them [Collection, 2007h]. However, as the FSO was not directly executing any of the village or site-based activities, they depended heavily on inputs from the local FD and Land Revenue Offices.

Other situations that led to delays included lack of details about the land being reserved. In some cases, reference maps were unavailable or habitations inside the PRF were not recorded. Most of the time, if land belonged to the FD there was a need to conduct re-survey to secure boundaries. Ideally this should have just required the FD to verify the existing boundary points and hand in a report. However, in all of the above cases, the FD took exceptionally long to provide boundary information.

There were 4 cases where the land being reserved had never been surveyed before. For instance, in the case of Deomali PRF, the land proposed was a hill type (a different category of land) [Collection, 2007b], while in Naranga PL part of it was revenue wasteland [Collection, 2007f]. In Kundali RF part of the proposed area was un-surveyed revenue forest [Collection, 2007e], and in Gangrajpur RF land set aside for housing was included in the proposal [Collection, 2007c]. In these cases long delays were the norm. Surveying of lands needed forest officers, drafts men and surveyors from the Revenue Department to work together. In Gangarajpur PRF it first took 7 years to conduct a survey and another 26 years to get a report on the validation of the surveyed points [Collection,

2007c], highlighting the sluggish nature of the process being followed.

The next section throws lights on the process of negotiations between local users and government authorities while undertaking forest reservation process as summarised in Table 5.3.

5.4 Settling Forest Rights of Local Inhabitants in Reserved Forest

Under Section 10 of the MFA-1882, whenever an area was proposed to be declared as a Reserved Land, the FSO had to release a public statement in the form of a proclamation and release a call to villages and *Gram Panchayats* surrounding the RF, to come forward and make claims of occupancy and ownership. These claims were addressed under section 10, 11 and 12 [GoI, 1916] and included claims over watercourses, pastures, forest produce and occupancy. The claim making period lasted for a minimum of three months from the date of the release of a proclamation. If any claims were received during these 3 months, then a process of consultation and inquiry had to be led by a FSO to settle claims. In cases where the FSO felt that the claims were genuine and offers of compensation had been made then an approval of claims had to be communicated to the concerned claimants. In the final notification of the RF, details of any such claims were explicitly outlined and published [GoI, 1916].

The process of settling forest claims remained unchanged when the OFA-1972 [GoO, 1972] replaced the MFA-1882 [GoI, 1916] in Koraput. Forest reservation case records from 1972 throw ample light on the nature of issues. These cases shows that most of the time, the local forest-dwellers did not made claims in RF and only in a few cases, some use rights were given to them.

The next section discusses the nuisance of rights settlements in one of the longest contested case in the region.

5.4.1 Deomali Protected Forest

In 1979, 4609.10 acre of land surrounding Deomali hill was notified to be a RF. In May of 1985, calls for claims over the land and resources were made public without any contest. Thereafter, all use rights were annihilated in the PRF. Local villagers were unaware of the reservation in Deomali and as a result, the change of status remained unnoticed. In 1987, a local organisation in the region came to know that Deomali and the surrounding hills were now part of a PF and villagers were not being allowed to use forest resources or even enter the Deomali hill, which held high spiritual value for the tribes. On learning about the situation, representatives from 11 villages (under the name of *'Adivasi Chrityo Samaj'*) approached various departments involved in forest reservation, with a plea to settle rights on 30,000 eucalyptus trees that were raised by them as social forests in Deomali since 1976. These trees were raised on village ex-*Podu* lands in an effort to regenerate degraded lands. Villagers requested exemption of these 11 social forests from the PRF (see Figure 5.1). In the last notification published in 1987, there was no mention of any rights of villagers over these eucalyptus forests, indicating that these rights were not settled in the favour of villages [Interview-52, 2014].

In 1994, Joint Forest Management (JFM) was introduced in these villages and most of these community-raised eucalyptus forests were brought under it. Discussions in one of the impacted village revealed that when villagers realised that they would not get any rights over their trees and the Forest Office was planning to take control of those trees, it did not go down well with the them. Villagers decided to cut down those trees and asked the Forester to get his own stock of saplings to raise new plantation under JFM. With funds from the JFM program, the Forest Office planted Eucalyptus, Teak and Acacia at the same place [GD-05, 2014]. In this case the rigidity of the FD and lack of trust between villagers and Forest Officers, led them to destroy the forests that they had nurtured for 10-12 years. The new forest in the village is now spoken about as government forest or *Sarkaari Jungle* by the villagers and is doing well. Villagers in Bara still protect and maintain other forest patches but without any help from the local Forest Office. They

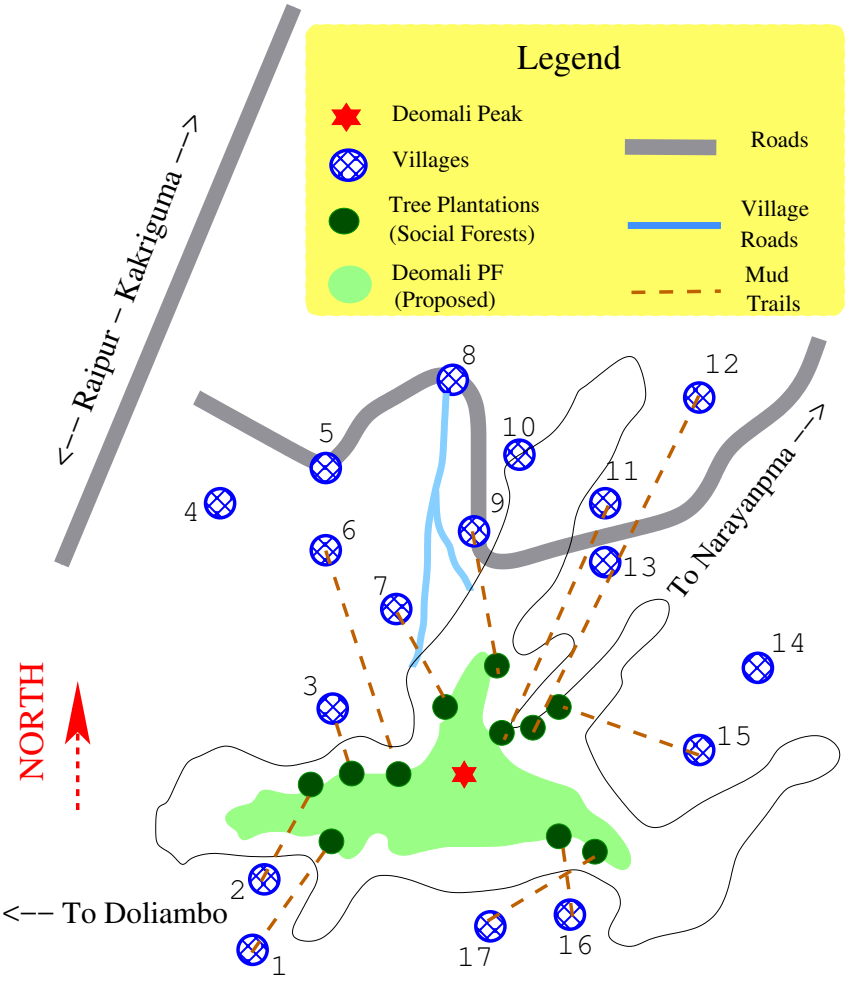


Figure 5.1: Forest raised by villages in Deomali PRF in 1987. The villages identified by a number in the figure are, 1-Bhitarkaliabeda, 2-Jauguda, 3-Barahkutuni, 4-Unknown, 5-Dudhari, 6-Haldiput, 7-Phulband, 8-Pridapani, 9-Pultsil, 10-Sapta Malia, 11-Upparikanti, 12-Tankubeda, 13-Peddulampur, 14-Kanti, 15-Matalam, 16-Upari Boraband, 17-Tala Boraband.

believe that *"protecting forest is important to protect water channels which comes from the Deomali, and that way the hills, the forests and the adjoining land is a village resource"* (as told by a village youth in [GD-05, 2014]).

5.4.2 Pottangi Proposed Reserve Forest

Not very far from Deomali is the largest PF in Koraput, the Pottangi FB. It was notified as a RF in 1974 and the 3 months proclamation period went without any objections.

However, in 1981, the FSO received a couple of objections from local villagers[50] over insufficient land for cultivation and grazing, and FD raising plantations on traditionally cultivated hill without a consent of villagers [51]. After visiting these villages and enquiring about their objections, the FSO wrote in his Court Dairy *"during my spot inspection I found on an average 40% of the hill slope is left out for the villagers. These lands can be best utilised for the grazing of their cattle. The villagers are now conveyed that Afforestation Division although they are planting trees, at the initial (stage) staff do not allow cattle to graze in the area. Later when the trees grow to a certain height, they (will) allow the cattle to move freely for grazing. So they should not insist this objection during enquiry. Basing the above facts ascertained, I do not find any reasons for their objection to the proposed Reserve Forest"* [Collection, 2007g]. In the end he rejected all claims made in the PRF.

In this judgement, FSO did not take into consideration the traditional grazing practices which were intertwined with hill-cultivation in the region. Firstly, as hill slopes were used for cultivation, they could not be left open for cattle to graze. Usually uncultivated forest areas, separate from the forest and hills used for *Podu*, were used for grazing. With declaration of PRF these uncultivated forest and hills became inaccessible[52]. Second, in the years that followed, FD did not open these plantations for grazing thus deceiving villagers to give up their lands. In the end, rights were not settled in Pottangi PRF. Today, the villages around Pottangi PRF have grown and their demands on forests have escalated. Shortage of firewood and timber have pushed many villages to engage in collective protection of their local forests. In words of a villager *"we now no more invest energy or time on the government-raised plantations or on JFM woodlots as we have our own forest to lookafter"* [GD-31, 2014]. Unlike in Deomali, these villagers did not destroy

[50]These objections are not mentioned explicitly in the case records however the field notes from the FSO's visit have mentioned these objections [Collection, 2007g].

[51]These issues were widespread in most of the hill-tracts of Koraput at that time. A lack of sufficient cultivable (flat) land forced tribal farmers to move to the highlands (hill slopes) and resulted in localized clearing of forests over many generations.

[52]The local *Tehsildaar* or, head of revenue office, on this matter was of the same opinion and said that there are *gauchar* or designated pasture lands around villages; thus, the objection by villagers is not justified [Collection, 2007g].

government-raised plantations.

5.4.3 Role of Forest Department in Prompting Reservation of Forests

To propose lands for reservation, one of its pre-conditions was an approval of the proposal by the Forest Office. This acts as a preliminary check on the extent of local activities in the proposed RF. In post-colonial cases (see Table 5.3), it was found out that the nature of these approvals were limited in its scope and they did not deal extensively with the question of existing rights. Process of reservation begins only after DFO Office gave a certificate stating that the proposed area is a claim free forest. A typical structure of one such letter of approval is available for Kundali RF where the DFO certified *"there is no Basti of Tribal villages/hamlet within one furlong and that there is no non Tribal Village/hamlet within half furlong of the proposed reservation boundary...certified that excepting Rayati lands or other categories of private lands and encroachments as shown in the map, no other private rights or encroachment exists on the date of submission."* [Collection, 2007e].

The focus of such departmental clearances was more on outlining existing private rights issued by the Revenue Department and it ignored any other customary or non-recorded rights or privileges at this stage[53]. Thus the Preliminary Notifications[54] (under Section 4 of OFA [GoO, 1972]) did not consider any local use rights before declaring any land as RL. However, a section in the draft Forest Notification contained information on the rights and privileges that existed on the proposed land. In case of Pottangi RF villagers were permitted to collect edible roots, leaves and thatching grass for their subsistence and

[53]In this matter the process in post-colonial India was no different than the process in colonial India, as the main aim of colonial forest reservation was to eliminate existing rights from RF. Private rights were legally protected, but privileges and concessions were at the discretion of the Government therefore it was not mandatory to settle them [Sivaramakrishnan, 1999].

[54]There are three kinds of notification for any RF: First the preliminary notification (expressing intent), followed by a draft notification (midway through the process) and finally once all the stages have been completed a final notification.

subject to certain restrictions[55] were permitted to graze their cattle [Collection, 2007g]. Similar allowances were made in other RF, for instance, in Ampaballi RF, grazing of cattle was allowed (subject to a payment) along with the collection of NTFP and fruits for subsistence and the use of a footpath through the RF [Collection, 1984]. Similarly, in Raisil RF more or less the same set of conditions were agreed by the FSO [Collection, 1994]. Striking similarities in the kind of activities allowed and the common language used for stating those makes it appear as if they were more like a pre-decided package of what is allowed and what is not. In some PRFs (including Gangrajpur [Collection, 2007c], Bandikar [Collection, 2007a], Minapai [Collection, 1985] and Kolab [Collection, 2007d]) Draft Notifications never came out therefore there is no discussion on the rights of local inhabitants in these PRF.

Under the system of decadal Forest Plans all these forest areas were being worked upon, irrespective of their status as RF, PF or PRF. Thus, activities led by the local FD were being regularly carried out without questioning or even considering the status or rights/privileges/concessions of local inhabitants in the past three decades.

This discussion of rights throws light on the fact that although the struggle of Koraput forest-dwellers have found little space in policy discussions, there are ample examples of institutional injustices done to them during the process of forest reservation.

5.5 Patterns of Tribal Land Occupation

This sub-section analyses the changing understanding of land in the tribal territories in Koraput, their reflection in the land administration system and bearing on forest-dwellers. This analysis is essential to comprehend the complexity of traditional forestlands as a functional entity in tribal landscape.

[55] These rights were further tied to the condition that they can't be bartered or transferred.

5.5.1 Nature of Tribal Settlements

In 1944, at a time when dominant narratives of environmentally-damaging shifting farming were vigorously followed by colonial administrators, Christoph von Fuhrer-Haimendorf visited Jeypore and found a rather unique aspect of tribal land-holdings in its highlands. He noticed that the large swathes of *Podu* lands were unusual, as they were treated like private properties by tribal families. This was contrary to his observations in other tribal groups of Central India, where land ownership was mostly communal [von Fürer-Haimendorf, 1982]. In Jeypore, the customary land management practice in tribal settlements was such, that every year, a traditional headmen (known as *Jani*) with some other important people in the village like male priests (*Desari*), women priests (*Gurumaa*) and traditional healers, would jointly identify a parcel of land for *Podu* cultivation. These lands were cultivation collectively for 3 or 4 years and thereafter a new site was chosen for cultivation [Pati et al., 1984]. This system was prevalent until the late 1970 in Koraput. Tribal settlements in acted like moving entities, essentially following the location of *Podu* lands. Figure 5.2 illustrates one such hypothetical setup in a tribal landscape with an explanation provided in Note 5.1.

Note 5.1 : Village sites and *Podu* lands shown in Figure 5.2

Village A: Village site is permanent. Villagers use one side of a hill (M1) for *Podu*. After a few years they will use the other side of the same hill. Most of the work is done collectively.

Village B: Village has two sites for habitation which they alternate every 20-30 years. Villagers also have multiple *Podu* suitable patches on their hill and based on the proximity to these patches habitations are switched. *Podu* is practiced individually as well as collectively.

Village C: It's a small village and is a subsidiary to a larger village B. Farmers of this village do not farm on their mountain M3, as it's a sacred mountain. Instead, they follow *Podu* on the other side of mountain M4. Mountain M4 is divided between village B and C.

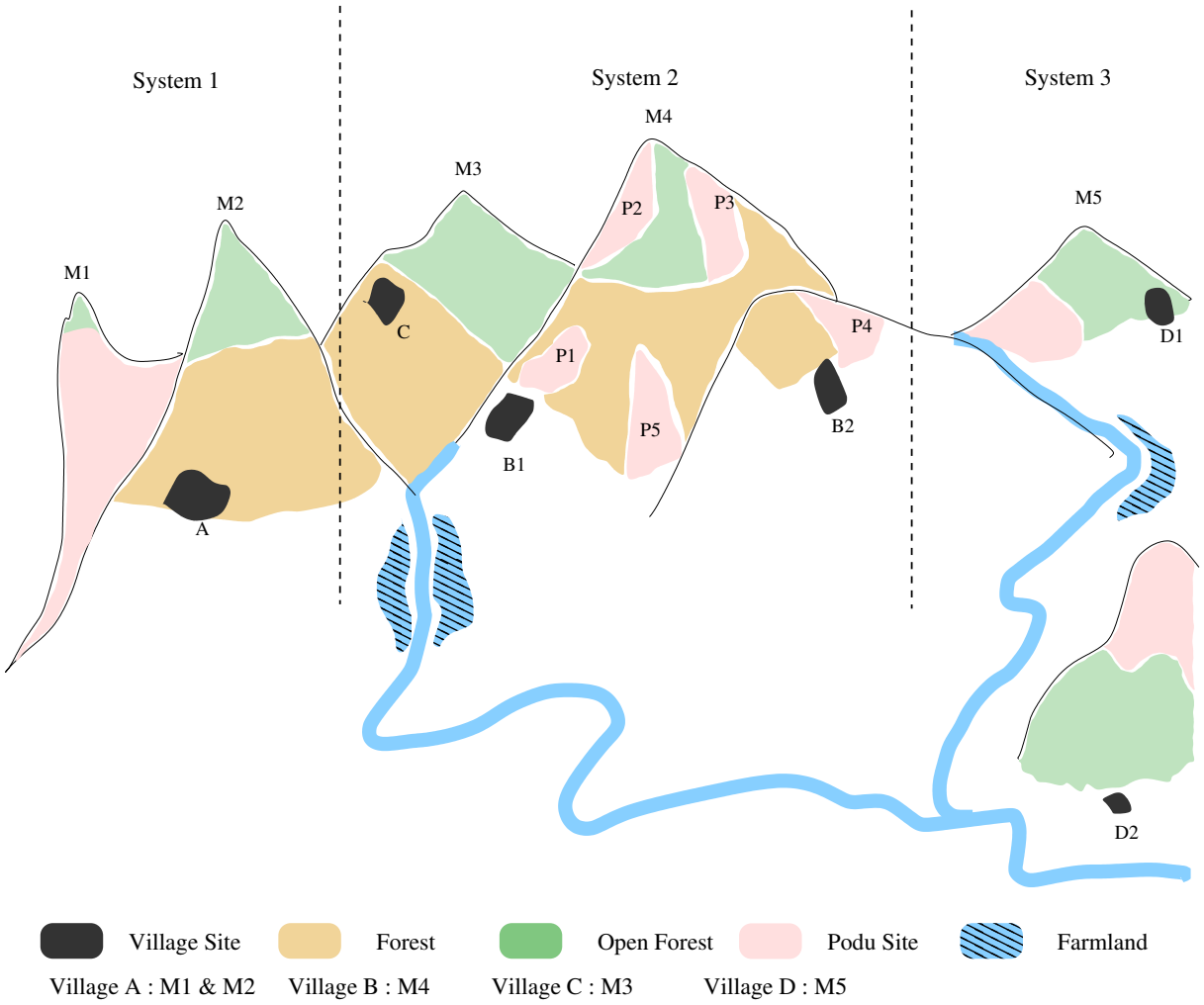


Figure 5.2: Different types of village *podu* arrangements

Village D: This village has a small hill which is not sufficient for everyone to do *podu* therefore, another distant site, D2, has been opened and those who use this site for *Podu* locate their household temporarily in this area for a limited number of months.

All four villages have two distinct woodlots on hills; one for *Podu* and the other to be maintained as forest. They develop riverside land to cultivate paddy and maintain some dry farm lands adjacent to their habitations to grow local crops.

During the first Survey and Settlement operation in Jeypore (in 1934), locating the positions of tribal settlements was a challenge for the surveyors. Village boundaries were not fixed and tribal residents would keep changing their settlements following *Podu* sites

[Behuria, 1966]. The larger territories were rather recognised through landmarks like hills, rivers, old trees, big rocks etc. In such a society, introduction of off-limit areas like RF or PF was unheard off.

5.5.2 Land Occupation to Land Encroachment

All through the times of the King's rule, until the early years of the British takeover of Jeypore, hill-tribes were encouraged and rewarded for bringing non-cultivable land into cultivation [Behuria, 1966]. However, in the years which followed, this situation changed.

The occupation of land by tribes was mostly of two kinds, occupation for habitation and occupation for cultivation. Occupation of forestland for habitation can be understood as part of two major institutional processes in Koraput. First, when the colonial administration instituted permanent logging camps in the forest areas, they settled labourers in these camps and asked them to clear surrounding forests to establish their camps. Over the years these camps took on the shape of full settlements and later such settlements were known as forest villages [Rath, 2000].Forest villages were common in colonial India [GoI, 1967, Bryant, 1996, Barton, 2002]. The second kind of occupation involved, tribal groups which in search of good cultivatable lands, constantly kept on a move. Every three years these groups established a temporary settlement within the wider boundaries of their tribal territories [Pati et al., 1984].

When the British arrived in the Estate, the second type of process was prevalent. However, with the start of organised forestry, the first type of land occupation became common [GoI, 1967]. The difference was the first kind was promoted and the second kind was punished. In 1940 there were 760 forest villages in the low land forests of the Estate of Jeypore [Rath, 2000], but none in the Highlands [GoO, 2006].

While reserving forestland between 1900 and 1947, villages situated within RF were

delineated using clearing lines[56]. These marker lines later got obliterated mostly due to the local expansion of these habitations [GoO, 2006]. In the post-colonial period, FD proposed setting up more forest villages in its plantations by bringing people from elsewhere [GoO, 2006]. What happened to these proposed villages in later years is not known.

As the forest policy development was happening in Koraput, occupation of RF or PF without approval from the Forest Office became an act of encroachment, which in turn was declared a crime under the successive forest acts [GoI, 1916, GoO, 1972]. As a result, many tribal occupants of newly designated forestlands in the region became encroacher of their own traditional farms and habitations.

A process that added to the embroilment of tribal lands was the execution of survey and settlement operations in Koraput. During surveying and settlement exercises (between 1938 and 1968), colonial and post-colonial governments encouraged conversion of non-cultivable land or wastelands (forest, hills etc.) to farmlands [Behuria, 1966]. Thus, two contradictory ideas were pursued simultaneously, whereby, the *Tehsil* encouraged tribal farmers to bring more land into cultivation and the DFO penalised farmers for doing so [Sivaramakrishnan, 1995]. For instance, in Koraput most of the small waterways and riversides situated inside RF were occupied by tribal farmers. In later years, the DFO started treating these as land encroachments [GoO, 1971], but if such paddy lands were situated outside the boundaries of the RF, the *Tehsil* recorded them as the highest quality paddy lands [Behuria, 1966] .

Similarly, a local practice known as *Jhola* (ravine) cultivation was widespread in the regions surrounding Laxmipur and Semiliguda. In this traditional system, tribal farmers used to reclaim streams, lowlands and ravine-beds by means of terraces and bunds and used them to grow rice during non-rainy seasons [Carmichael, 1869]. These semi-terraced rivers are unique to this region and many have lasted for centuries [Interview-38,

[56]All reserve boundaries including village ring lines required clearance to a width of 25 feet or more [GoO, 2006]. It is not known if this was followed in practice, but these are shown on RF maps held with the FD [Collection, 2014].

2014]. When J.W.Nicholson (the first Chief Conservator of Forest of Odisha) visited Jeypore in 1937, he noticed riversides converted into paddy farms and recognised them as a remarkable cultivation skill of hill-dwellers [Bell, 1945]. In words of a local Revenue Inspector, *"if such (paddy) farms fell under a RF, they were not recognised in the revenue records and showed up in forest records as encroachment; but if they fell under revenue land types, then the occupant were given titles for them."* [Interview-65, 2014]. Figure 5.3 shows a part of a *Jhola* farm developed on a reclaimed ravine land (within the boundary of a RF) in one of the study villages.



Figure 5.3: *Jhola* cultivation in a village, 29.07.2014

A key point is, that the differential treatment of a customary land management practice by two land-owning departments would not have created any problem, if a tribal farmer knew where the revenue land ended and where the forestland began. When these changes were first introduced in colonial era, it must have made a little sense to the tribal households that they could work and cultivate land recognised by the Revenue Department, but they could not use lands belonging to the FD. Such a treatment of tribal lands by law makers must have reinforced the idea of mental separation of tribes from forest land [Guha, 2000] in this region.

From a legal perspective, with the new land recording system encroachment of land for cultivation became an extremely widespread phenomenon in tribal areas including

Koraput [Daspatnaik, 1984]. This duplex stand on the incognizant use of government land or encroachment remained unchallenged. It is now apparent, that the forest and the revenue departments did not had a clear mechanism to distinguish customary land use practice from the act of encroachment, [Sarin et al., 2005] has discussed some elements of this juridical tussle in her work. In Koraput, in the following years of revenue land settlement, encroachment of government-owned land (forest, revenue or communal) became one of the most widespread offences [Senapati and Sahoo, 1966]. Under the growing legislative armour, generations old ancestral practices of forest and hill farming became acts of encroachment.

5.5.3 Forest Use Vs Encroachment

Encroachment of government forest became an issue in the post-colonial period in India, particularly after rise in demands of forest products in the 1960s and 1970s [Saxena, 2003]. Forest authorities remained preoccupied with their concerns of encroachment of RF [Sarin, 2010]. In Koraput, the key interest of the DFO Office was to bring to light any encroachments that existed in RF [GoO, 1971, Senapati and Sahoo, 1966]. Under this routine process PRF were usually given an early clearance by the Forest Office as a way of signposting their status as free from encroachment. By doing this, the FD in a way strategically asserted that any act of land occupation in future in these PRF was to be considered an act of transgression.

The first Forest Plan of the region was built on the idea that *"...the forests (of Koraput) ...have an alarming rate of encroachment and deforestation"* [GoO, 1971]. It was founded on the concern that *"the situation is so intriguing and alarming that nothing less than legislation against encroachment and proper enforcement of the same can prevent the gradually dwindling forest from destruction"* [GoO, 1971]. The plan even went on to proclaim that tribes had minimal regard for existing forest regulations and they were responsible for forest destruction [GoO, 1971]. This blaming of forest-dwellers for forest destruction was part of a wider discourse perpetuated by bodies like the National

Commission of Agriculture [Pathak, 1994]. The anti-forest-dweller stance of the initial Forest Plans is difficult to ignore. The only section where the 1971 Forest Plan briefly mentioned the needs of the inhabitants living around RF, is in the section on plantation management where it mentioned a provision to give away some lops and tops as firewood to local inhabitants at the time of the harvest [GoO, 1971].

Post-independence, insignificant efforts were made in Koraput to re-define existing forest rights. The limited reach of DFO Office also made sure that the enforcement of any legislative measures was mostly unsuccessful [GoO, 1990]. There was a mutual lack of trust between forest-dwellers and forest administrators [Senapati and Sahoo, 1966]. The Forest Office believed that forest-dwellers misused their rights and traded forest produces with outsiders [GoO, 1990]. In such distrustful circumstances the question arises as to why tribal inhabitants protected government plantations when they didn't get anything in return. Similar situations were described by [Guha, 2000] in his study on Himalayan communities. Such settings created a mental separation between tribes and RF. They started addressing them not as *'ama jungle'* (our forest) but as *'sarkaari jungle'* (governments' forest) [GD-05, 2014]. This gradual dissociation of forest-dwellers from their surrounding forest influenced their attitudes towards these resources. As Bell had pointed out that *"the hill-cultivators of Koraput had used these forests for generations but in ways that maintained the overall forest structure, more or less in their natural form [Bell, 1945]"*. [Guha, 2000] has argued that forest-dwellers are aware of their responsibility towards the well-being of forests as they are an integral part of their daily existence. In Jeypore, tribes understood their immediate natural environment, until the introduction of regulated forestry challenged this relationship. It is critical to acknowledge such breakdown points, as with time the perceived distance between tribal farmers in Koraput and their forests has only grown wider [Saxena, 2003].

5.5.4 Complications Created by the Revenue Survey and Settlement

An important procedure that complicated understandings of land encroachment emerged from land survey and settlement operations in Koraput. The process commenced in 1938 and finished in 1968[57]. Although this exercise was introduced to bring a full-fledged system of land revenue assessment and recording in Koraput, but, while doing so, it also created legal ambiguities and plurality over the status of land. Some of its important conditions are discussed below[58].

- Village habitation sites or *Basti* lands were recorded as common lands in the *Gram Poramboke Khatas*[59] (a record of government owned common lands in a village), but, individual occupation of plots were not shown on the final revenue maps. Due to the failure to plot individual homestead lands many households remained without a homestead title in tribal villages. In 2011-12, under a new program *Gram Poramboke* land was settled against individual occupants. Of the 30 study villages, 11 had received their homestead titles in 2011-13.

- Communal lands or *sarbasadharana Jami* included beds and bunds of tanks, threshing floors, cattle-stands, cremation-burial sites, sites for worship, village roads meant for use by villagers, reserved or *rakhita* lands (protected for essential purposes in each village including grazing land (*gauchar*)[60], village forest, drainage channels and additional land for construction of new houses. All these lands were village

[57]The process commenced in September of 1938 as an experiment in 20 villages of Nabrangpur and later a full-scale operation was designed and introduced by the Colonial Administrators.

[58]Section developed from the original Major Survey and Settlement report of Koraput by [Behuria, 1966].

[59]The concept of Poramboke Khata is a unique feature of the Madras System and is unknown in the tenancy laws in any other area except Ganjam (including Koraput). It included all Reserved Lands, communal lands and village-sites [Behuria, 1966].

[60]Pasture lands: different percentages of land classed as *gauchar* were reserved in different blocks. In some Blocks, 5% of the total area of village was recorded as *gauchar*, and in another Block 5% of the total cultivated area (*Abadi*) was reserved as *gauchar*. In 1961, the GoO released clear guidelines about them and in the last Block 10% of the total cultivable land and cultivable wasteland was kept aside for *gauchar* and in villages where land was in short supply only 5% of the land was kept aside for the purpose of grazing.

common lands but they got recorded as government lands in Koraput. This often misled the legislators by appearing to give the State an exclusive right even over village common lands.

- Wasteland or *Anabadi Jami* was the land that did not generate revenue from cropping and it belonged to the Revenue Department. This land was further classified into two kinds: 1) Cultivable waste land or *Abadya Jogya Anabadi* which included waste or jungle or orchard that were capable of cultivation or reclamation, and 2). Non-cultivable waste land or *Abadya Ajogya Anabadi* which including big jungles, hills and river-side lands that were not capable of cultivation.

- Small hills were classified as *dongar* and big hills were further classified as *Pahada*. *Dongar* and *Pahada* lands were often covered with forests. In the last decade of the settlement (1950-60) lands with slope of 10% and more, were excluded from the survey. These lands were extensively used by tribes for *Podu* cultivation, so a large part of these *Podu* lands were not settled.

- Additionally, RL, RF, dense forest and hills were excluded from village boundaries, as most of them were thickly forested and therefore, were not surveyed to contain costs. Therefore, many forest areas in Koraput remained largely un-surveyed. In cadastral and village maps these un-surveyed forest lands were marked as jungle blocks or in some cases as FB. So, the rights of villagers over these forests were not recorded. In total, 8,109.25 km^2 of forest was left out of the survey and settlement exercise in Koraput.

  Of the total villages in Koraput District,

- 5,463 villages were surveyed and 2,101 villages were left un-surveyed. Another round of settlement never took place, so these villages were left in a quandary[61]. In the LWE conflict-laden Narayanpatna and Bandhugaon Blocks an attempt was made to conduct survey of previously un-surveyed villages under a special revision settlement

[61]The legal process for grievance settlement in the Bihar & Orissa Survey & Settlement Act, the Madras Boundary & Survey Act, and the Koraput & Ganjam Survey Act was complicated and without any precedence.

program in 1992, but in conflict-free areas of Koraput no such efforts have been made.

- Reclaimed lands from riversides and Jungles that were under occupation for 12 years or more were classified as *Jamadharjya jogya* land (cultivable land for which taxes are charged), and were to be recognised in later years. However, the Estate Officers of Jeypore did not book any encroachment cases or assess reclamation rent for such lands. Thus, these lands were not settled and later they fell into other government land categories.

- A simple scheme of classification was adopted for private farm lands which were classified based on productivity and location. This included:

  - Rain-fed paddy land or *Dhano Jami* (type I -irrigated paddy land, II & III),
  - Dry-upland or *Dongar* (type I, II & III),
  - Riparian lands or *Attal Jami* (type I, II & III),
  - Vegetable/special crops lands *(bari)*, orchards (*tota*) and homestead land (*ghar-baari Jami*).

- Share-croppers or *bhag chasi* were not recognised in Koraput. In 1960, it was made mandatory for the surveyors to obtain information on the status of share-croppers, but such records were only prepared in 2 Blocks (H and I). Therefore share-croppers did not show up significantly in the original sikkimi records[62]. Later as part of wider land reform initiatives[63], various schemes like Bhudaan (land-donations), ceiling surplus (for big landlords), Vasundhara (land to landless) and land restoration to tribes were undertaken in Koraput, which addressed some of the shortcomings of

[62] *Sikimi Khata* (original record of rights) is the term widely used in Odisha's land recording system to refer to the original records which identified two major land typologies or *kissam*- forest or revenue. Later in 1980, with the arrival of the Forest Conservation Act (FCA) there was a need to classify each category of land as clearly as possible into forest or revenue *kissam* therefore, the original records were updated, and a new record called *Hal Khatas* were prepared.

[63] After independence, large scale land reforms were put into place in many States. The Orissa Land Reform Act was introduced in 1960 and then a series of other acts were introduced to safeguard the usurpation of tribal lands by non-tribal settlers. Recently the government of Odisha has been paying special attention to Koraput to find solutions to longstanding land struggles [Patnaik, 2008b].

the settlement process and the resultant landlessness in the Southern Odisha's tribal belts [Patnaik, 2008b].

Many important crossovers exist between the range of sub-classifications of land which originated from the land settlement operations and had direct impact in curtailing rights of forest-dwellers over forested lands. The complexities of land classification and FRA are discussed in Chapter 6.

As mentioned above, most of the *Podu* lands were left un-surveyed and land with slopes exceeding 10% were declared as common land or government land [Behuria, 1966]. However, these lands were a part of a larger system of tribal farming cycles and thus, when tribal farmers returned to these lands following the years of survey and settlement, they all became encroachers of government land in legal parlance. Moreover, the Agriculture and Land Revenue Department considered occupation of farmlands invalid if the land was not cultivated for two years in continuity [Kumar, 2006], thus straightaway rejecting the farming practices followed in highlands by tribal farmers. Consequently, after the completion of the survey and settlement operations, a large number of forest-dwellers lost their right to work in their fallow farms and uplands. In a stroke, the revenue land settlement operations changed the legality of land and legal position of the tribal land users.

To date, no institutional efforts have been made to reconcile this injustice. Evidently, forest-dwellers have suffered for many years from a double blow, one created by the loss of their traditional farm lands through survey and settlement, and other by the reservation of forest lands which reduced their access to forest lands.

Section 5.5.5 discusses the impact of national and state-wide efforts on the issue of forest encroachment in Koraput.

5.5.5 Untangling Forest Encroachment (1980s and after)

As the survey and settlement operation in Koraput was coming to an end, an emerging global concern over environmental degradation reached India and the encroachment of forestland became an important national concern [Saxena, 2003]. From 1970-80, pressure increased on India to tighten its environmental legislation and in response a series of conservation measures were introduced [Sarin, 2010]. At the same time, States like Odisha were reeling under the burden of poverty, landlessness and resistance from rural citizens as demands for land rights settlements reached a peak [Kumar and Rao, 2004].

In 1980, with the arrival of the FCA, the GoI instructed State Governments to conduct surveys of forestland cultivation/occupation and attend to the cases that belonged to landless farmers [MoEF, 1980], above all to those belonging to ST. In Koraput Sub-Division 446.99 ha[64] of forestland was identified under this directive [Interview-06, 2014]. However due to the arrival of the FCA in 1981 this activity could not go any further.FCA made decision-making on forestlands a further complicated process and things were put on hold for few more years [Gadgil and Guha, 2000]. In the meantime, the GoO was still figuring out the scale of forestland occupation [Sarin et al., 2005].

During these years, demand for land settlement in tribal regions of Koraput came into national attention. A number of factors including intensification of LWE activities and life-threatening poverty in the forested regions of India, pushed the GoI to engage in renwal of forest land and management policies in the country. In the process, in 1988, it introduced a new National Forest Policy which brought focus on encroachment of government forest land as a major agenda for the governments [Rosencranz and Lélé, 2008].

In September 1990, MoEF issued government circulars to redress grievances of forest-dwellers about their local rights and claims in RF [MoEF, 2005]. GoI expressed its

[64]In undivided Koraput a total of 1140.94 ha of forest land was identified under encroachment. In Odisha 4,729.00 ha of forest land was identified but later in a clarification to the Supreme Court of India, it was disclosed by the GoO that about 47,304 ha of land was under occupation [Kumar and Rao, 2004].

intentions to regularise forestland encroachments that were in occupation before 1980. It ordered State Governments including GoO, to conduct surveys and submit data on forest land encroachment. From Koraput, the GoO provided a list of pre-80 encroacher's with information from 25 forest villages[65], consisting of 511 families, in occupation of 446.995 ha of forestland [Interview-54, 2014]. The first stage approval of these cases was provided by State Governments. As a next step, the GoI had to give a stage 2 clearance for these settlements to take shape. However, for many legal reasons, GoI is yet to give this clearance and these cases have remained unresolved [Interview-06, 2014].

On the other hand, this exercise opened up a route in forest bureaucracy to declare claims on forest land that did not appear on this list as invalid. So, on one hand, GoI failed to make any final decision on regularising a few encroachments and on the other, it instructed State Governments to take immediate actions against the ineligible encroachers [MoEF, 2005]. This caused an uproar in forest areas and many forest-dweller support groups came out to protest this decision [Kumar and Kerr, 2012]. In Koraput, things were slow to pick up [Interview-54, 2014] while the GoO took its own long time to enumerate and report on the status of encroachment [Rosencranz and Lélé, 2008].

Fear of forceful evictions from forestland resurfaced in 2004 when MoEF released a few more circulars bringing the issue to the fore again. It created panic in forest-dwelling communities as some State Governments started evicting forest-dwellers. There were vivid reports of protests, demonstrations and evictions from States including Assam[66], Karnataka[67] and Madhya Pradesh[68]. In Odisha, uproar was seen in Wildlife Sanctuaries and National Parks where forest-dwellers had to confront a coercive FD [Mahapatra et al., 2015]. MoEF had to re-communicate to the States to not evict anyone until their rights had been duly recognised and asked them to wait until stage 2 clearance was given to

[65]In that year, Koraput was a part of the Undivided Koraput District and had 3 Forest Divisions; namely, Rayagada, Jeypore and Nabarangpur. Most of these pre-80 encroachment cases belonged to the Divisions outside of Koraput Forest Division [GoO, 2006].

[66]http://www.frontline.in/static/html/fl1915/19150460.htm

[67]http://www.thehindubusinessline.com/2002/12/23/stories/2002122301081300.htm

[68]http://www.oneindia.com/2006/07/20/oppn-protests-eviction-of-forest-dwellers-1153395680.html

these cases [Sarin et al., 2005]. As a result of not knowing exactly how to handle such an explosive situation, GoI suggested that States should constitute Task Forces to come up a solution for this issue [MoEF, 2005]. In this tussle, State Governments directed DFO offices to only evict post-1980 ineligible encroachments, and advised them to wait for the completion of land surveys in tribal areas before conducting any eviction procedures [Kumar and Rao, 2004]. At the same time, in 2003, the GoI constituted the first National Forest Commission to review the existing forest policy and legal framework of forest management in the country. Significantly, the Commission recommended increased participation of people in forestry program but opposed the Forest Rights Bill which was already in making [MoEF, 2006]. These were tense times for forest-dwellers' politics and behind the scenes, this turmoil led to a greater than before demand of a Forest Bill [Ramnath, 2008], that would clearly address the underlying issue of forest-dwellers and their rights on forest land.

What happened in Koraput during these chaotic years, is somewhat obscure, but Koraput was definitely struggling with its own longstanding issue of LWE unrest and violent protest from its tribal farmers[69]. Fuelling demands to settle land rights in the names of tribal people in utmost urgency. According to the DFO office in Koraput, 306.65 ha of forestland (including 103.09 ha of RF, 96.52 ha of RF and 6.6 ha of Village Forest) was earmarked for recognition under the pre-80 arrangements. In the wake of the later orders from the State, 67.52 ha of encroachment was declared ineligible and 296.84 ha of encroachment on RF was marked out for eviction as the post-80 encroachment cases [GoO, 2006]. The DFO Office elaborated that although the post-80 list is with them, no eviction efforts were ever made in the Division. As a routine, the Office had prepared and filed cases in the Court for violation of FCA-80 against the people who's names have appeared in the pre-1980 list and were found ineligible for regularisation [Interview-07, 2014].These cases were still being pursued in books and unless some clarity comes from the GoI, they are unlikely to get resolved [Interview-07, 2014]. In 2014, there were 63

[69]Koraput town was under seizure from a major left-wing attack in 2004. https://timesofindia.indiatimes.com/city/kolkata/Naxalites-attack-Koraput-town-loot-police-stations/articleshow/482576.cms

active cases of pre-80 encroachments involving 84.27 ha of forestland. Similarly, there were 932 cases involving 341.84 ha of revenue forestland which were being pursued in the courts under the post-80 encroachments. The FD furnishes quarterly reports on the status of pre-80 and post-80 encroachments and shares them with the State. In March of 2014 about 860 cases of forestland encroachments were being pursued in the court by the DFO office in Koraput. Although forestland encroachment is being pursued regularly via paper procedures but not much has been done on the ground [Interview-10, 2014].

To wrap up this discussion, this thesis has emphasised that one of the underlying flaws of these half-hearted endeavours included its intention to settle claims which were based on inaccurate and perhaps misleading understanding of what constituted an encroachment in a tribal territory. In all practicality, encroachment of forestland means illegal use/occupation of RF/PL/UF or any other government forest land, with no consideration of any customary or traditional use of forestlands. This thesis has discussed that the tribal perspectives of forest rights and village territories were much broader than the limited interpretation of forest use as understood by the Indian State. From a forest dweller's perspective, tribal farmers did not encroach on forestland, rather, the growing dominion of the State consumed their traditional land. In scholarships of customary rights and modern property rights this difference should be a fundamental issue of contest in context of tribal territories and historic injustice.

5.6 Tribes and their Forest Produce

Bringing back the focus from use of forestland to use of forest products, this last section delves into the relationship between forest products and tribal practices in Koraput. Anthropological studies on tribes of Koraput have shown their deep-rooted relationships with forests [Jena et al., 2002]. This section is designed to simultaneously focus on colonial, post-colonial, and contemporary usage of forest products in the study region. The idea is not to discuss each product but to focus on some key products and position them

in the debates of forest rights settlement.

5.6.1 *Sargi*, *Siali* and *Jhadu*

Shorea robusta or Sargi/Saal is one of the most important economic and cultural trees in the tribal customs of Koraput[70]. Numerous villages and hamlets are named after this tree. Plate-making using leaves from *Sargi* and *Siali* (a perennial creeper *Bauhinia vahlii*) has long been an important activity providing round the year income to many tribal households. Likewise, resin from *Sargi* or *Jhuda* is used extensively to keep away mosquitoes and to perfume houses. In 1969-70, *Jhuda* fetched ₹0.10 million from its sale to the State (Forest Plan, 1971). *Sargi* trees also provide food and in summers roasted *Sargi* seeds and flowers are a tribal delicacy [Interview-51, 2014]. *Sargi* is considered sacred by tribes and therefore no tribal farmer would cut it down [Interview-41, 2014b]. Such reverence for this tree contrasts with the colonial forester's appetite for reserving *Sargi* as a key timber tree, second only to Teak in importance. However, the reality of the times is that in 2014 *Sargi* trees were difficult to spot in the study region.

Hill-broom grass or *Jhadu* is abundant in the region and many tribal households were engaged in making brooms every year to sell them the weekly *haats* or markets [GoO, 2006]. A broom was priced ₹30 in the local *haat* in 2014 but many tribal families sold their brooms to middlemen for ₹20 each. Over time, as *Sargi* trees have vanished, the *Siali* vines have also reduced drastically, but *Jhadu* grows quickly on sites exposed by tree removal and on upland farms. In words of a tribal woman *"Sargi is not there anymore, and it's difficult to find Siali as forest has changed so much but with opening up of forestland broom's availability has gone up"* [HHS-081, 2014a].

During 1960-90, forest products in Koraput were sold through selected state-controlled points. In 1990, the State ended its monopoly over 69 forest products and by doing so gave to push to the trade and market prices of valuable forest products [Mahapatra and

[70]However, the population of Sal trees have declined sharply and there are only a few patches left in the Division [GoO, 2006].

Mitchell, 1997]. Rights to collect most forest products (barring a few) were handed over to *Gram Panchayats* which is seen as a major step towards decentralisation of forest product governance [Mohapatra, 1994, Saxena, 2003]. By 2002, all restrictions on low-revenue generating forest products were also lifted. Studies from Odisha, has shown that these efforts achieved a mixed outcome. They did increase the revenue for the State and industries due to increased sale, but, they did not help local collectors in terms of their security of access [Mohapatra, 1994] and increased household income [Saxena, 2003].

5.6.2 Tentuli

Tamarind or *Tentuli* is one of the most significant and high-revenue generating summer commodity in Koraput. Every year *Gram Panchayats* pay a permit fee (₹100 in 2014) to the Revenue Department and looks after the trade of *Tentuli* in their villages [Interview-49, 2014]. FD also supports a few tamarind-based livelihood projects via self-help group programs, but their scale is very limited.

Tentuli tree are considered an important family resource. Although, no financial investment is made on trees as such but protecting them is a way of life in villages. In the words of a community worker *"a tamarind tree is never planted; it always regenerates on its own. However, villagers provide it with care and that way it belongs to them"* [Interview-03, 2014]. The dominance of *Tentuli* in some landscapes is such that in a Block, there are forestlands, where no other tree is to be found, except for the *Tentuli*. In others, *Tentuli* is often the largest surviving tree.

Trade in *Tentuli* is mostly controlled by small sized traders. Tribal households collect, clean and dry *Tentuli* pods in the months of April and May. Local agents of the traders visit tribal villages and buy *Tentuli* stocks directly from tribal collectors. In villages, a healthy tree can produce 1 or 2 tonnes of dry pods and a well negotiated sale can go up to ₹3000-5000 (about 45-61$) for a tonne of *Tentuli*. Local agents provides collection bags before the start of harvesting season and also pays for transport to take stock out of

the village. In villages which are located in the proximity of a *Haat* collectors take their product directly to market in the hope to get better price for their harvest. However, most of the families interviewed for this study preferred selling it to the agents to avoid the cost of transportation [HHS-020, 2014a]. Collection and post-harvest activities to meet quality requirements for markets are labour intensive and with no means of transportation it is not profitable for tribal collectors from interior villages to take their products to the *Haat*.

In 2014, 1 kg of de-podded (without pod cover) *Tentuli* was sold at ₹17.00 and 1 kg of de-seeded *Tentuli* got ₹24.00. In local *Haat* it was bought for ₹21.00 per kg at wholesale rates. A couple of local traders dominated these *haats*. The collections from various *Haats* in Koraput is sold to a few bigger retailers in Vishakhapatnam. In Koraput, a transit fee of ₹2500.00 per truck load of *Tentuli* was in place in 2014. This fee is collected at a couple of forest check gates which are maintained jointly by the DFO Office and the Regional Market Committee (RCM). An investigation of the trade routes of *Tentuli* showed that sometimes these traders develop relationships with the check-gate operators and negotiate over these transit amount. The money thus collected mostly goes to the Regional Market Committee (RCM) of Koraput. When I discussed these numbers with one of the inspectors of RCM, he said he had no knowledge of how much is being charged and refused to be interviewed about the matters of forest check-gate. He suggested meeting the local Forest Range Office (FRO) for overall trade numbers. The FRO, shifted the responsibility of management of figures for *Tentuli* to RCM. So, in a way no one knew how much *Tentuli* was being traded in the region and most probably, no one is keeping genuine records of quantities and revenues being generated from its trade. At Kundali *haat*, a local trader revealed that *"about 1000 tonnes of tamarind is being traded each year in the study region and most of it comes from tribal villages in Block A."* [Interview-04, 2014].

Ownership of *Tentuli* and other trees is also an important aspect of securing rights. There are no official tree-titles for *Tentuli* but its proprietorship is decided following some traditional norms. There are different ways to own a *Tentuli* tree in the study area. Note 5.2 elaborates a few of them.

Note 5.2 : Ways to own a tamarind tree

Collective efforts and equal sharing: In Pakha Village there are 9 households and 11 tamarind trees. These trees are growing on an area of common land that houses the village deity. During the season of Tamarind collection, all 9 households collect Tamarind pods and equally divide the earnings

Tamarind trees as family inheritance: In Tala Village, each family (consisting of related 3-4 households) has a stake in several trees (about 2-10). Villagers know which tree belongs to which family, so, during the collection months, harvesting is done by these family members or sometimes some paid labour is hired to bring down pods from the tree. Income from the sale is shared within the family

Tamarind trees on private and forest land: Trees on titled lands belong to their title holder. Similarly, trees on *Podu*lands (untitled uplands) also belong to the person who uses that land. Unclaimed old trees growing in government-controlled forest or wastelands are allocated to families who have no trees on their private lands. However, the new trees growing on such lands can be claimed by providing protection to them and letting others know.

In the colonial period, different rates of royalty were placed on tamarind meant for domestic and commercial use (see Figure 5.1. The royalty to be paid for domestic use was higher for the product kept for trading. Forest Guards posted in RL were assigned the task to coordinate collection and inspection of the produce [Bell, 1945] and the Range Offices were tasked to issue annual permits in names of the tribal collectors [GoO, 1971]. Village headmen *(Naik)* not only played an important role in collecting land and farm taxes for the Revenue Department but they also helped the Forest Guards in collecting forest taxes and royalties [GoO, 1971].

5.6.3 Firewood and Charcoal

Firewood was and still is the only source of cooking fuel in tribal villages in the study region. In all 30 villages firewood is considered the most important forest product. Traditionally, charcoal was prepared by tribal farmers from the leftover stumps of trees on fired *Podu* lands [Bell, 1945]. Later, trees from unreserved forests and wastelands provided raw material to make charcoal [GoO, 1971]. Firewood and charcoal came into great demand during the post-independence years driven by quick emergence of towns and industries in Koraput in the 1970s. Villages situated within a range of 2-5 km around the towns of Koraput, Simliguda, Dashmantpur, Laxmipur and Kundali provided charcoal and firewood for their needs [GoO, 1990]. This led to quick disappearance of local forests in the 1970 and 80s [Interview-13, 2014]. A villager recounted that, *"When Hindustaan Aeronautics Limited came into Sunebeda, people from my village started selling fuelwood and charcoal to the hotels and to the construction sites. We used to get some cash money and therefore we cut many trees. Then we had no idea about how cutting trees would damage our own village and farms. We realised it much later when most of the forest was gone to firewood"* [Interview-05, 2014]. In absence of any effective control by forest authorities, firewood collection and sale destroyed growing stocks in many villages [HHS-070, 2014].

Firewood from hills of Koraput became an interstate commodity in 1980-90. Strong demand from neighbouring State, lack of effective regulations and emergence of railways in the region, ensured that a huge quantities of firewood regularly left the District [Interview-07, 2014]. Data shows that 11,600 tonnes of firewood was exported out of Koraput Forest Division in 1969-70 [GoO, 1971]. Firewood sale is still an ongoing practice in a couple of regions of Koraput. Figure 5.4 shows women unloading head-loads of firewood off a local train to supply them to a large factory at the borders of Koraput and Rayagada.

Rural and tribal populations collected most of their firewood from village forests, common lands and UL [GoO, 1971]. Data from household surveys indicates that around 14% of households were engaged in firewood sales but only one household made charcoal.

However, 100% of households used firewood as their only source of cooking fuel. Respondents engaged in selling firewood mostly belonged to villages located within 3-4 km of local towns where demand of firewood is high. Sales of firewood also increased in the months of summer to earn some quick cash [Interview-41, 2014b]. In 2014, a shoulder-load (about 60 kg) of firewood carried by a man fetched ₹90 and a head-load (about 30 kg) of firewood carried by a woman was being sold at ₹60.



Figure 5.4: Women supplying firewood to a factory

5.6.4 Timber, Bamboo and Other Products

In study villages, household timber needs were met from local forests. Since the introduction of Social Forestry, Soil Conservation and Joint Forest Management programs, the composition of natural forests has changed. Native flora has been replaced by fast growing timber trees including casuarina, eucalyptus, cashew, acacia and teak [Interview-38, 2014]. The arrival of major pulp and paper industries in and around Koraput have pushed more and more private land under the coverage of fast-growing species [Interview-51, 2014, Interview-07, 2014]. In 1990, these industries were ordered by GoI to secure their raw material from outside natural forests. This gave impetus to the introduction of farm forestry on village private lands [Pathak, 1994]. Later, under government programs, the FD also started raising plantations of fast growing trees in RF and PF [Interview-63,

2014]. Figure 5.5 shows one such eucalyptus plantation near a study village.



Figure 5.5: Eucalyptus growing in Pottangi PRF

In household survey it came out that almost 50% of the households had a small plot of land planted with trees. Most respondents preferred fruit trees such as mango and cashew, followed by eucalyptus and oil-seed trees like Pongamia and Kusuma on their lands. These trees were raised across different kinds of tenure. To construct a house timber is purchased from households who have surplus of trees on their private farms [GD-16, 2014].

Lumberwork is no longer a traditional craft limited to certain non-ST families. It has become a skill which tribal youths can acquire under various government-paid vocational training programs [Interview-25, 2014]. Other traditional occupations like basket and furniture-weaving from bamboo, canes, grasses and other fibres are on a decline and are now confined to bamboo-rich forests areas of Narayanpatna and Bopariguda [Interview-06, 2014, GD-34, 2014]. Until 1990, Bamboo coups were leased out to local paper mills by DFO office. Even in 2014, Bamboo growing in natural forests is supplied to the pulp and paper industry by DFO office [Interview-54, 2014]. With arrival of FRA, bamboo is now being handled by villagers and in certain cases outside Koraput communities have received community titles they are directly managing the sale of bamboo from their community forest [Interview-57, 2014] and in such cases FD can only play a facilitative

role [Interview-07, 2014].

Many other forest products like myrobolan *(harida)*, mahua flowers *(mohul)*, honey *(mohu)*, various edible roots *(kanda)*, smoke leaves *(sutta)* and animal hides have also long been traded in Koraput [Interview-04, 2014]. They were in good demand for export between 1950 and 1990 [GoO, 2006] but in recent years, local availability of these products has declined significantly and wherever they are available households use them for their domestic consumption [FGD-04,].

5.6.5 Cashew

In 1960-70, large scale programs for soil-moisture conservation and social forestry were introduced in Koraput [Senapati and Sahoo, 1966]. These contributed significantly to the changes in forest landscape of Koraput, both in terms of its coverage and constitution. The Soil and Moisture Conservation Program was conceived in 1959 to cover the *Podu* affected degraded catchment of river Kolab in Koraput[71]. 30,000 acre of government wasteland consisting of *Podu* lands, riversides and denuded-hills were put under plantations. During 1960-66, cashew trees, bamboo, silver oak, agave and coffee were introduced as part of contour-bund plantations [Senapati and Sahoo, 1966]. Selection of these plants was justified claiming they would provide improved livelihood opportunities to the local communities. Except for bamboo, other species were completely new to the hills of Koraput. [Pathak, 1994] has discussed at length about the economical and social costs of these soil conservation programs.

Cashew trees adapted very well in Koraput, but ownership issues created massive unrest in the Southern parts of the District [SPREAD, 2009a]. When cashew was planted on village common lands and wastelands it was promised by the State Government that their possession would be handed over to villagers in coming years [Senapati and Sahoo, 1966].

[71] All these efforts for soil conservation came into existence after one of the biggest hydroelectric units was established in the Machakund Reservoir. High levels of silting and its effect on the working of the reservoir led to large scale introduction of soil and moisture conservation work in the hills of Koraput [Senapati and Sahoo, 1966].

However, this did not happen and with the finalisation of the land settlement program in 1966, many tribal villages witnessed a loss of their lands (now converted to Cashew lands) to the Government [Interview-51, 2014]. The GoO proposed giving usufruct rights *(defayati)* to the tribal households who lost their lands to such cashew plantations. However, nothing happened until the late 1980s and local unrest kept simmering. Instead of returning Cashew lands to villagers, they were handed over to a Cashew Development Board[72]. This led to widespread local protest in 1985-87. In response, the State Government started allotting *(defayati)* rights over cashew trees in some villages in the form of cashew tree titles locally known as *bhaliya patta*[73]. In 2006, the Cashew Board became dysfunctional and by that time some 34,000 ha of land was under Cashew of which 24,700 ha was Government land and 9,300 ha was privately-held. Out of this land, only 4900 ha had tree-titles [SPREAD, 2009a].

In the village surveys, it was found that 13 out of 30 villages had cashew planted on their village lands. 32% of the survey respondents mentioned that they had access to cashew trees and that it contributed to their household income. Only 12 households had received tree titles for cashew. On an average each of these households had use rights over cashew trees on 1 or 2 acre of land.

The livelihood impacts of these cashew tree titles on households could not be established. Koraput climate reduces growth and prolongs flowering in cashew and therefore the trees have in general low yields [Lenka, 2001]. A respondent mentioned that on an average his one acre of cashew land for which he had tree-title hardly produced ₹400-700 worth of raw cashew in a year, which is an insignificant return from such a cash crop [HHS-077, 2014]. More importantly there was no involvement of households in tree or land improvement in these cashew lands. Cashew trees were left neglected in many villages and old plantations had only 15-20 trees left on an acre of land. In absence of

[72]About 6,796 ha of this Cashew planted land was handed over to the Odisha State Cashew Development Corporation. It led outside traders and non-tribal to get all the benefit from these plantations. Most of the tribal villagers only got wage payments for tending and collection services [SPREAD, 2009a].

[73]In the study area four villages have got such Cashew titles released at different point of time starting from 1984 and the most recent in 2009.

any reliable cashew market in the region households do not invest time or resources in maintaining these plantations [Interview-51, 2014]. Reasons for the lack of enthusiasm over existing cashew plantations included, low-yielding varieties of trees, lack of markets and no food value of cashew [HHS-092, 2014]. In Block C, cashew dominated village hill and forestlands and all 6 study villages had cashew forests which have become a major feature of local land use [SPREAD, 2009a]. On the other hand, some tribal farmers in Block B and Block D did express their interest in starting cashew farming on their private lands.

5.6.6 Trade Channels for Forest and Farm Products in Koraput

The geographical location of Koraput is advantageous as it is situated right in the middle of two major commercial hubs, Raipur in the East and Vishakhapatnam to the South. With the opening of all-weather road and rail routes crossing through Koraput, traders from outside have got access to its *Haat* [Senapati and Sahoo, 1966]. Since 1980s, Telugu traders from neighbouring Andhra Pradesh have dominated the market structure for most forest and farm products in Koraput.

In context of forest produces, since NTFP deregulation in 1990 these traders could also access the interior markets by placing seasonally-hired local purchasing agents in various *Panchayats*. These agents play a crucial role in connecting tribal farm and forest products to outside markets. Not much has changed in the last three decades in the way product is traded except that the scale of trade has grown substantially [Interview-38, 2014]. Particularly, for vegetable trading (dominated by not-ST farmers) villagers along the Highways do direct business with traders so they get better prices for their products [Interview-38, 2014]. Figure 5.6 shows various trade routes of forest and farm products originating in a tribal village in Koraput.

The trade route of various farm and forest products originating in the tribal villages of Koraput passes through a number of market players. Collection agents (appointed by

traders) visit villages when market crop (mostly niger seeds, ginger, turmeric and seasonal vegetables) or a forest product (mostly tamarind) is about to be harvested. Based on the quality and quantity of the produce, these agents negotiate a selling price with a group of households in the village. In most villages price is negotiated collectively. Alternatively, a couple of government-supported centres also by NTFP products (tamarind, soapnuts, lemongrass) from village-based producer groups.

In context of tenure security, farm products are cultivated on two kinds of farm lands. Crops like low land paddy, vegetables, turmeric and ginger are grown on private lands (for which households have land title) and other crops including *Suan* (little millet), *Mandia* (finger millet), oil crops like *Olsi* (niger) and *Soriso* (mustard), and *Dongar dhano* (upland paddy) are cultivated on hill slopes and forest lands (for which households don't have title deeds). The second category of products - I will call them 'forest crops' - are the staple food for tribal households. Except for paddy, most of the products grown on private land are sold in markets and except for niger, products grown on forest and hill lands are kept for domestic consumption [Interview-38, 2014].

Fieldwork revealed that tribal households in remote villages were still bartering forest products (like *Mahua, Kusuma, Amla* and *Kanda*) and forest-crops (like *Mandia, Suan* and *Olsi*) for items including salt, jaggery and detergents. Contrary to the view held by the National Commission for Agriculture in the 1980s that tribal farmers take advantage of developing market to sell products and in the process damage trees, most of the tribal households in study villages were still reluctant to deal directly with traders. Except for a few commercially grown vegetables, spices and cashew, raised in villages around highways, most tribal farmers in survey households did not sell food or forest crops. However, things are slowly changing and many tribal youths who have access to education and increased mobility are now playing an increasingly important role in organising trade in their villages [Interview-08, 2014].

In light of the research questions raised in this thesis, the acknowledgement of farm-forest cropping systems and issues of tenure security on such lands becomes crucial in

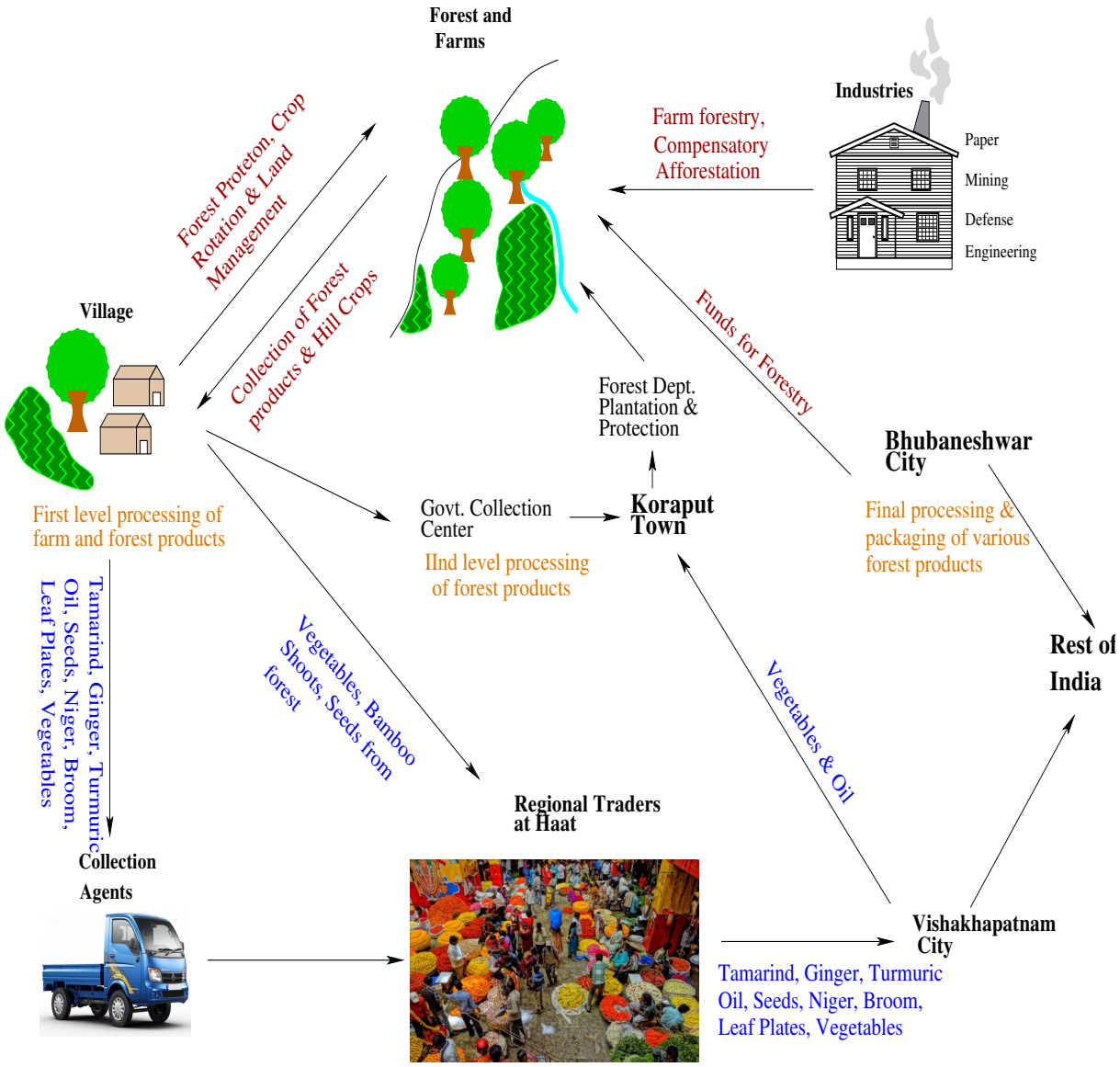


Figure 5.6: Farm and forest products trade routes in Koraput

the context of rights settlement. The possibility of linking tenure security to enhanced access to markets and opportunity could be a driving force behind organising land-based activities in the region

Chapter 6

Forest Rights Act in Koraput

Having set out the complex background of history, evolution and issues of forest rights in Koraput this chapter discusses the scope, processes and politics of forest land and rights settlement as being manifested in FRA.

6.1 Extent of Forestland Eligible for Claim-making

Forest occupy 19.23% of the geographical area of Koraput. Out of this, 51.6% is open forest, 42.44% is moderately dense forest and 0.06% is dense forest[74] [FSI, 2011]. It means that a majority of forests in Koraput are open or moderately dense. Furthermore, 6.94% of the total area of Koraput is occupied by scrub-like vegetation which is also considered as a forest type. In the highlands, open and scrub forests are the major forest types. These uplands are used by many forest-dwellers. In 2001, 16.85% of the District was under forest cover and in the last 10 years the forest cover has increased by 2.3%[75]. 21.34% of land in Koraput is identified as Jungle kissam or forest type. For all legal matters under the FCA-1981 this is the land that is considered as forestland in the District. So, legal

[74]Forest Survey of India (FSI) uses a classification system based on canopy cover estimates. Canopy cover less than 10% is open forest, between 11-40% is considered moderately dense and anything more than 40% is classified as dense forest.

[75]In 2005, the forest cover of Koraput stood at 1,569 km^2 which was about 17.82% of the total geographical area of Koraput [FSI, 2005].

forestland is slightly more than the land on which forest-like vegetation grows. Of this legal forestland, about 25.5% belongs to the FD and 74.5% is with RD [GoO, 2006]. This difference of ownership is comprehensive and gives a clear idea of the administrative body that controls the larger share of forestland.

The modalities of forest lands under the FD and the RD are not the same. In Koraput, RF, PF and UF (classified as in [GoO, 1972]) are under the control of FD. Demarcated and Un-Demarcated PF or other categories of forest, including *gramya jungle, patra jungle, bodo jungle* (different kinds of forests around villages) is owned by the RD and are called Revenue Forests. This information becomes crucial in understanding the local dynamics of forestland use and the challenges it imposes on forest rights settlements.

In 1980, with the arrival of the FCA protection of tree or forest cover on any kind of government land became the responsibility of FD. It resulted in a situation, where the land under revenue forests is controlled by the RD, but protection of trees is organised by FD[76]. An operational challenge of this arrangement is that it created a situation where any person who wants to do anything in these forests now needs to deal with two departments. Additionally, in the course of the historical development of forestry, forestland in the country has been positioned as a dominion, which is under the joint control of National and State Governments, as a result of which, any action on FD held forestlands needs approval from GoI as well as State Governments [Garg, 2005]. So, dual-positioning of forest areas and land complicates the decision-making over forests.

Going back to the question of how much area is eligible for settlement under FRA, in the Act forestland has been specified as *"land of any description falling within any forest areas and includes Unclassified Forests, Un-demarcated Forests, existing or Deemed Forests, Protected Forests, Reserved Forest, Sanctuaries and National Parks"* [MoTA, 2014]. The scope of forestland cuts across the territories of FD and RD, so theoretically, 2,306.00 km^2 which is about 26.18% of the total land in the District becomes available for

[76]Under the FCA-1980, FD must provide protection to forests present on all kinds of land except private land.

claiming under FRA. Additionally, as the whole of the Koraput district is a Scheduled V region, it further makes it straightforward that wherever there is any forest like vegetation on government land; and if there are forest-dwellers who depend on it; and if they can prove their traditional dependence on them, then that land will be eligible to get settled under FRA.

The other information which is important to assess the extent of land that could become eligible for FRA, relates to the number of forest-dwellers using such land and the share of forestland traditionally used by them. These numbers are difficult to be agreed on. Koraput's forest history clearly shows that the tribal way of life was based on traditional forms of cultivation, which used landscape level land-rotation systems. It also integrated the use of private farmland with common lands and forestlands in an intertwined system. FRA demands the recognition of such traditional forestland use systems and practices.

6.2 Number of People Eligible to Make Claims

While drafting the FRA, vivid discussions were made by the drafters on who should be eligible to claim titles under the Act. In its initial version, the Act had only addressed the needs of the Scheduled Tribes (ST) but later it introduced a generic term of 'Other Traditional Forest-dwellers' (OTFD) to accommodate users outside ST communities [Springate-Baginski et al., 2013]. However, by categorically naming ST as legatees, FRA left the inclusion of other non-ST communities to the subjectivities of local level officers by generalising them as OTFD[77].

In the last two decades, the population of Koraput has grown at the rate of 14% and 16.8%. Koraputs has 1,379,647 inhabitants and about 83.61% of them reside in villages [GoI, 2011]. Most of these residents depend on common property resources including forests for daily needs. In 2001, 49.62% of its population consisted of ST [GoI, 2001]

[77]Because of this subjectivity, in its 10 years of existence, all FRA implementing States in India have categorically refused to accept claims by any non-ST applicants. Forest activists are pushing for the acceptance of application by non-ST communities.

and in 2011 about 50.6% identified themselves as ST. Similarly, Scheduled Castes (SC) constituted 13.04% of the total population in 2001. So together, more than 63% of its population is either ST or SC.

For individual titles for non-ST applicants there is an additional condition tied to eligibility. Applicants have to demonstrate that they have lived in or occupied forestland for at least 3 generations. Thus, continuity of use and its evidence are a necessity for potential claimants. Considering all these factors, a conservative estimate from the present demography is that at least 300,000 households are eligible to make individual or community claims in Koraput under FRA. In Odisha about 8-10 million rural households are eligible for individual or community titles under FRA [Interview-57, 2014].

6.3 Status of FRA

6.3.1 Claims in Numbers

By February 2016, about 27,676 individual claims have been approved under FRA in Koraput, out of which 25,742 claimants have received their certificate of titles or *Patta*. In these titles an area of 40,086.42 acre has been settled [MoTA, 2016b]. 100% of these titles have gone to ST claimants and OTFD were yet to secure any title. Elsewhere in Odisha (including Koraput), the GoO has released 357,625 title certificates for individual title titleholders under FRA [MoTA, 2016a].

In the 4 Blocks selected for this study 6,664 households have received individual FRA title certificates and on average each title holder has secured rights over 1.55 acre of forestland [ITDA, 2014]. The statistics are comparable to the all Odisha average of 1.59 acre/title (see Table 6.1).

Table 6.1: Individual titles holders in study Blocks (as on 31st August 2014)

Study Blocks	Individual Rights	Area (in acre)
A	1749	2223.49
B	839	1636.67
C	2610	4550.55
D	1466	1903.69
Total	6664	10314.40

6.3.2 Some Trends in Claim Making

The application process for FRA started in 2008-09[78] and thereafter it was expected that every year claims would be received and processed until all eligible claimants were covered. The data tells a different story.

Table 6.2 shows the yearly receipt of FRA applications and their movement through various FRA-authorities in Koraput (see Section 6.4 to know about various institutions of FRA). The largest numbers of applications (32,077) were received in the year 2008-09. Thereafter, in subsequent years, new applications reduced significantly, and during 2012 and 2014 no new applications were received.

Table 6.2: Yearly progress of FRA in Koraput

Year-Month	Claims Recv'd (FRC)	Claims Recv'd (GS)	Claims Recv'd (SDLC)	Claims Recv'd (DLC)	Claims Approved (DLC)	Titles Distrib.
2009 Feb	27,575	8,269	8,269	6,899	6,899	0
2009 Dec	4,502	20,063	14,698	8,745	7,208	13,203
2010 Jan	430	703	0	0	1,537	2,441
2011 Jan	1,203	1,703	1,906	6,915	6,915	6,538
2012 Jan	0	0	0	2,132	2,062	827
2013 Jan	0	0	1,530	1,712	0	503
2014 Feb	0	114	662	662	2,444	199
2015 Jan	1,229	1,181	2,470	594	466	57
2016 Jan	4	374	375	145	145	26

FRC: Forest Rights Committee, GS: Gram Sabha (Village Assembly)
SDLC: Sub-Division Level Committee, DLC: District Level Committee

The bulk of applications received in the year 2008-09 were carried forward to later years. In the last 8 years the Sub-Division Level Committee (SDLC) received 29,910 ap-

[78]Until December of 2008, the Act was put on hold by the GoO due to an ongoing case in the High Court of Odisha.

plications, out of which 27,676 got approved. That means, around 80% of the applications that reached SDLC could receive forestland titles at some point of time. The SDLC and District Level Committee (DLC) have been consistently handling an average of 3,323 and 3,075 applications respectively every year. With the existing apparatus for application handling its takes about 3 years for an application to get approved [Interview-12, 2014].

Field investigations have shown that in Koraput, extraordinary arrangements were made to reach out to tribal applicants. The task was led by the Collector and the Sub-Collector of Koraput. Between November 2008 and February 2009, teachers and Revenue Inspectors (RI) were instructed to visit tribal villages and collect FRA applications (collect information, fill in forms and get thumb impressions/signatures) from the tribal households. This process lasted 1-2 days in many villages. Teachers filled in FRA applications and the RI provided details of the land for these applications. Once all the basic information was collected from the villages they both completed the rest of the application in their Offices. Once applications were complete in all senses, RI submitted these applications to a FRA special window which was temporarily created at the Sub-Collector's Office in Koraput [Interview-11, 2014, Interview-12, 2014]. However, in 2011-12 the pace of applications slowed down as the focus of District Administration changed its focus on processing the collected FRA applications. At that moment, the Integrated Tribal Development Agency (ITDA) of Koraput was given responsibility to prepare database of applications and titles [Interview-12, 2014, Interview-19, 2014].

In 4 Blocks surveyed for this research, between 2009 and 2014, about 14,965 applications were received and by 2014 about 87% of these applications were approved for individual titles. The status of FRA applications in these blocks is summarised in Table 6.3.

Table 6.3 shows that a total 1,929 applications were not forwarded to SDLC. Field interviews revealed that many incomplete applications were received in 2009 and they were held back at the Sub-Collector's Office [Interview-12, 2014]. A field functionary shared that, *"these unattended applications were later returned to the related* Tehsils *with*

Table 6.3: Block wise summary of movement of FRA applications

Block	Received by FRC	Sent to GS	Sent to SDLC	Approved by DLC	Area (in acre)
A	2,197	2,197	1,773	1,773	2,272.54
B	7,368	7,368	6,712	6,712	9,861.36
C	2,551	2,551	2,472	2,472	4,671.45
D	2,849	2,849	2,079	2,079	2,903.69
Total	14965	14965	13036	13036	19,709.04

a label of faulty applications. I don't know if the records of those applications are still being maintained" [Interview-11, 2014]. The call for FRA claims was made in such a hurry that the Act's prescribed stages were ignored to meet tight deadlines given by the GoO [Interview-12, 2014]. However, things have improved and starting 2012 any incomplete application, if not rejected, is held at a local office in Blocks and once all paper work is complete it is forwarded to SDLC [Interview-14, 2014].

The State-level data shows that Koraput District has not rejected any FRA claims in the last 9 years. A deeper look at the data gives a different side of this reportage. First, there are numerous cases where all eligible applicants in a village had made claims (in the same year), but only some of them have received titles [GD-10, 2014]. In the last 5-6 years many applicants have not heard anything about the status of their applications [HHS-021, 2014]. Consequently, as no correspondence was made to the applicants, many applicants had applied twice and thrice for the titles, assuming something wrong must have happened to their applications [GD-07, 2014]. Village elites including *Sarpanches* (elected village heads) and *Naiks* (traditional village heads) were also clueless about the fate of applications made in 2008-09 [HHS-001, 2014, GD-10, 2014]. Discussions with the *Panchayat Samiti* (elected members of Village Councils) and *Zilla Parishad* (elected members of District Council) members suggested that many applications from 2008-09 might have got lost in the process. People who hadn't received their titles from earlier applications, were encouraged by *Sarpanches* to make fresh applications, ensuring that they will get their titles sooner or later [FGD-01, 2014a, FGD-01, 2014b].

In the village of Bona, a group of young people had helped to complete and submit

FRA applications for fellow villagers. They first applied for FRA titles in 2008 and then applied again in 2011. They made re-applications as they were not sure if their previous applications had progressed any further. As a result, some families had received two FRA title certificates [GD-07, 2014]. However, there were only a handful of such cases in 30 villages. In the villages where households had received two titles villagers did not know which certificate would stand valid [HHS-003, 2014]. Officers dealing with FRA agreed that such problems had occurred and blamed the faulty procedure used for FRA application collection [Interview-12, 2014].

6.3.3 FRA only for Scheduled Tribes

Until 2015, non-ST applicants were not given a chance to even apply for FRA titles in Koraput. They were selectively advised by the officers to not to make claims as they believed that FRA is only for ST applicants [FGD-03, 2014]. In one of the village discussions, it was found that non-ST households were specifically told in the *Garm Panchayat* that the Act was only for tribal households [GD-31, 2014]. Even non-ST forest-dwellers referred FRA as a ST only Act [GD-19, 2014]. Furthermore, the first-level officers who handled FRA applications did not forward applications from a non-ST claimant to SDLC [Interview-14, 2014, Interview-17, 2014]. These officers gave reasons for not considering any non-ST application as: 1). having not received any instructions from their superiors about this issue, 2). they perceived that the FRA is a ST-related act, and 3) Not many non-ST applicants had applied.

FRA applications from non-ST village were also being rejected on the grounds of their failure to provide proof of 75 years of their existence in the village [GD-11, 2014]. See Note 6.1 for the case study. Another local complication came to light in a village where 40 ST households had received wrong Caste Certificates[79] which wrongly mentioned them as SC and now, on the basis of this faulty identity document, their FRA applications were

[79]Caste Certificates are issued by the *Tehsils*. These certificates are an important identity documents establishing caste of the residents, which is important for them to get access to Caste-specific schemes and benefits that run throughout the District.

not being considered [GD-19, 2014].

Note 6.1 : A non-ST village seeking FRA title

All 46 households of Ola village belong to the Other Backward Class category and they arrived in the present village some 40 years ago. Earlier they lived in the neighbouring state of Andhra Pradesh, which is about 3 km from their village. These villages shared marital relationships. The village is surrounded by moderately dense forest and villagers are engaged in forest protection activities. Villagers collectively own and run a couple of commercial trucks in the region and therefore enjoy a better status of life However, all houses depend on firewood and timber from their surrounding forests. They still identify themselves as forest-dwellers. In 2008 and 2012 they applied for FRA titles, but their applications were not accepted citing a lack of evidence for 75 years of residence in the village. The villagers were left in limbo as before moving to this new site they lived in forest areas in AP. However, as States are dealing with FRA in different ways there is no scope for villagers to bring together authorities of AP and Odisha to make a joint case for them. In the absence of secure titles there are apprehensions that in future Ola villagers will discontinue their forest protection efforts and there might be conflict over access to forest products with other tribal villagers. As of now FRA doesn't provide ways to deal with such circumstances.

Officers in the FRA implementing body in Koraput mentioned that he was waiting from their Ministry to give clarity over accepting applications from non-ST people in the District. By August 2014 he had only received instructions for ST applications [Interview-12, 2014]. Another high-ranking officer clarified that as soon as further orders can come from the GoO they will start collecting non-ST applications as well [Interview-19, 2014]. The situation on the ground in Koraput is reflective of the wider mood in the State and the country where OTFD rights have been difficult to establish.

6.3.4 Community Rights - Yet to Begin

The government data claimed that about 3,474 community titles have been given to various villages/groups in Koraput. Field investigation found that no one in the government or outside knew where these titles were located and what kind of rights had been approved under them [Interview-64, 2014, Interview-51, 2014]. On paper most of these titles are community titles over ponds, orchards, wells etc. and were approved in 2010-2011. However; there are no further details about these titles or title holders even with the implementing authority [Interview-12, 2014]. In the middle of field work in April 2015, government authorities updated their FRA records and claimed that 128 community titles have been approved in Koraput and out of which 58 title certificates have already gone to the communities [Interview-12, 2014, Interview-19, 2014]. Before 2012, there was confusion defining a community forest resource and the process of making claims on such resources. It was only after the release of an Amendment to the Act in 2012 that some clarity emerged around it [A.B. Ota, 2014]. Thereafter, local organisations in Koraput started focusing on preparing claims for community forest resources [GD-35, 2014, Interview-59, 2014]. In August 2014, the District Level Committee (DLC) took decision on 18 applications for Community Forest Resource (CFRt) rights. The most recent information about these cases was that an interim approval was given by DLC, however, a final joint reconsideration with the FD was yet to take place [Interview-12, 2014]. In summary, it can be said that the data maintained by the State on community rights for FRA does not provide much information and efforts were at the starting stages in Koraput.

6.4 Institutions and Procedures

Key institutions under FRA are *Gram Sabha*, Forest Rights Committee (FRC), Sub-Divisional Level Committees (SDLC), District Level Committees (DLC) and State Level Monitoring Committees (SLMC). Table 6.4 summarises the composition and roles of these

institutions. All five must work in coordination to ensure that claims are addressed in a transparent and accountable manner.

In Koraput, the major departure in the general scheme of organising FRA is the positioning of a Welfare Extension Officer (WEO) between FRC and SDLC. WEO acts as a bench to collate and complete FRA claims before handing them to the SDLC. This arrangement is exclusive to the State and this variation in FRA delivery mechanism is shown in Figure 6.1. In the words of a FRA dealing officer, *"there are two ways of implementing FRA: first is the one outlined in the Act and the other is the one followed in reality"* [Interview-12, 2014].

Table 6.4: Institutional set-up of the Forest Rights Act

Institution	Role in FRA
Gram Panchayat (GP) : Selected representatives of Gram Sabha	Release a list of all hamlets/villages
Gram Sabha (GS) : Constituted of all adult members of the village. Executive Committee led by village head	(a) Initiate the process of FRA. (b) Constitute Forest Rights Committee (FRC). (c) Determine nature, extent and claimants. (d) Prepare list of claims and send it to SDLC. (e) Arrange evidence for claim making
Forest Rights Committee (FRC) : Constituted through a GS resolution	(a) Facilitate claim making process in GS meetings. Reports to SDLC. (b) Act as a link between SDLC and GS. (c) Help in joint verification of claims
Sub-divisional Level Committee (SDLC) : Constituted by the State. Six members including: Sub -Divisional Officer, Forest Range Officer, Tribal Welfare Officer and three Block Panchayat representatives	(a) Receive claims from FRC. (b) Verify claims. (c) Send verified claims to DLC. (d) Prepare reports for rejected claims. (e) Disseminate information to GS. (f) Provide forest and revenue maps to GS. (g) Provide government records as evidences to GS. (h) Record keeping of GS resolutions. (i) Ensure availability of claim forms. (j) Prepare block-wise forest rights reports. (k) Hear petitions for cases of disputes between GS and Claimants.

Table continued on next page

Table 6.4 – *Table continued from previous page*

Institution	Role in FRA
District Level Committee (DLC) : Six members - District Collector, District Forest Officer, Tribal Welfare Officer and three Panchayat representatives from district	(a) Final approval of claims as prepared by SDLC. (b) Providing certified copies of rights and title certificates to the claimants and GS. (c) Ensure that SDLC provides relevant information to all GS. (d) Issue directives for incorporation of forest rights in the records of rights. (e) Hear petitions against SDLC by claimants
State Level Monitoring Committee (SLMC) : One Chief secretary, four Secretaries from Revenue, Tribal Welfare, Forest and Panchayati Raj Departments respectively; PCCF-Forest, Three ST members from Tribal Advisory Council and a Commissioner of Tribal welfare as member secretary	(a) Devising monitoring indicators. (b) Monitor progress and release state level quarterly report of progress. (c) Monitor compliance of the provisions for regular participation of officials in the various stages of claim verification.

Going by the book, to initiate the rights settlement process, the State Government issues order for the constitution of various institutions. Once this order is received at the District, the Council of Villages (*Gram Panchayat*) is asked to submit a list of Village Assemblies or *Gram Sabhas* that fall under it. This list is then submitted to the SDLC. Once this list of villages is approved by SDLC, a Forest Rights Committee (FRC) is constituted in all the revenue villages of the GP. Once this call is out, the claim making process begins in the *Gram Sabhas*. See Figure 6.1 to understand the process of application making in FRA and its variation being followed in Koraput. FRC play the central role in early processes and are responsible for the compilation, completion and presentation of all claims arising from a village. FRC must keep written records of the resolutions (decision-making declarations) of the *Gram Sabha* containing important information including date, process followed, decisions taken by GS and attendance records. Once these claims are approved by the *Gram Sabha*, FRCs submits completed FRA applications to the Welfare

Extension Officer (WEO)[80] who holds an office in the Block. Table 6.4 has summarised the roles and responsibilities of various FRA institutions that are involved making successful claims under FRA.

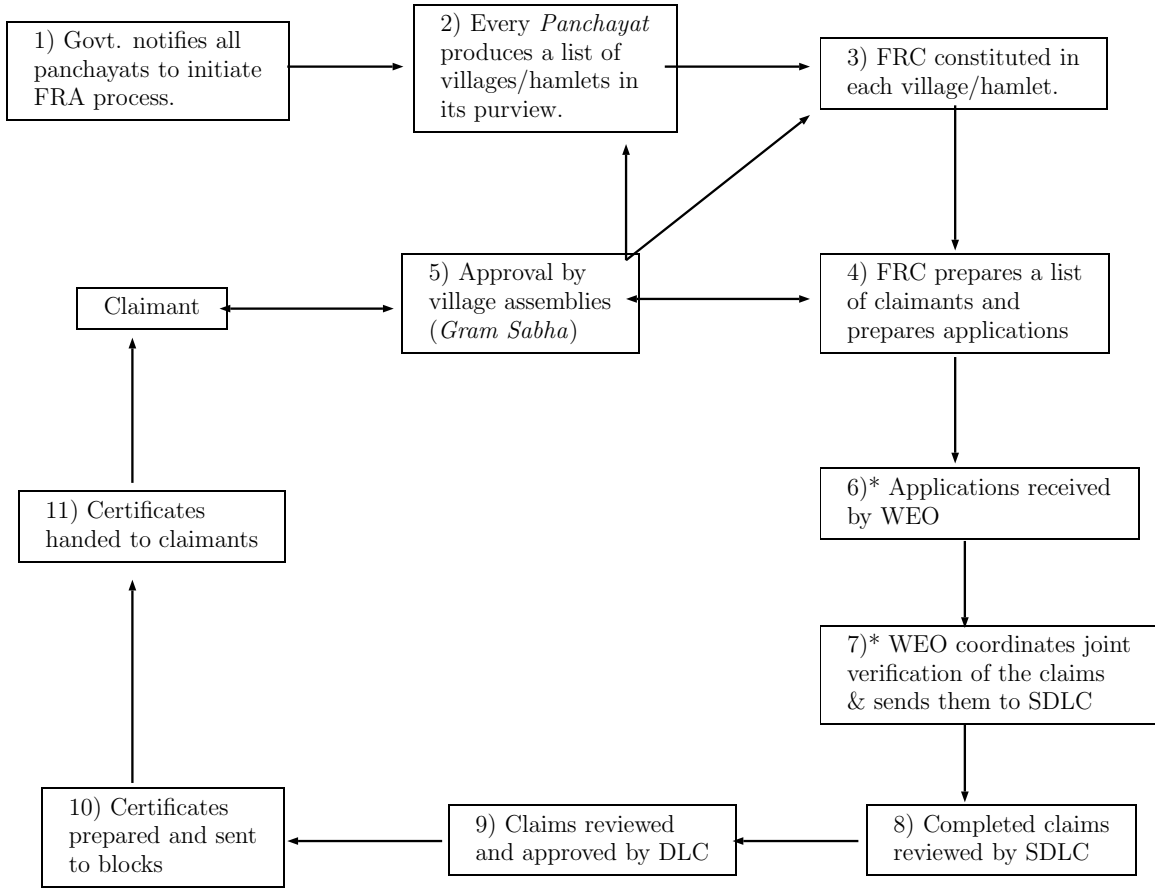


Figure 6.1: FRA Process in Koraput. Boxes marked as '*' are additional arrangements made in Koraput for claim handling.

In the light of limited awareness amongst the members of FRC and *Gram Sabha*. WEOs are conducting the first level checks of the applications as submitted by FRCs. If any record or information is found missing WEO returns the application to FRCs and guides them in its completion. WEOs also assist FRCs in arranging for claim verification visits which involve coordinating with the local Forester and the RI, who jointly visit claimed lands and cross check the legitimacy of claims. If the claims are found genuine and the paper work is complete then WEOs forward such applications to the SDLC [Interview-14, 2014, Interview-17, 2014, Interview-20, 2014].

[80]In many villages the Panchayat Extension Officer (PEO) helps WEOs to complete applications. PEO is also the key contact for the village heads (*Naiks/Sarpanch*) & FRCs in case villagers don't understand anything in the application process.

This arrangement of WEO playing a gate-keeping and facilitating role is not suggested in the Act. Once completed applications are received by the SDLC, they demand a joint verification report, here again the WEO arranges and coordinated the joint verification exercise and prepares a case for consideration by the SDLC. This is unlike the original Act where SDLC must conduct verification as part of its responsibility. WEO submits a bundle of documents as part of the Joint Verification report that includes a written report of the claim, a rough map of the parcel, a copy of the *Gram Sabha* resolution and records of identity and citizenship of the claimant. When SDLC finds all the documentation acceptable, it approves the claim formally and the whole file is sent to the DLC for final consideration. If the DLC also finds everything appropriate, approves the forest rights claim and asks the Tribal Welfare Department (ITDA in Koraput) to prepare title certificates for the claims. The final stage involves signing of title certificates by the representatives of three departments: RD,DFO and District Welfare Officer. These certificates, once finalized, are then handed over to the local Block or Revenue Offices for distribution [Interview-12, 2014, Interview-14, 2014]. This is a long process.

6.4.1 Procedural Departures

Coming back to the real process undertaken in Koraput, it departed from the original Act at many stages. An investigating of FRA rights settlement in 30 villages showed that in none of these villages the prescribed procedure was followed. So below is the story of what happened in Koraput.

After the stay order on FRA was lifted by the Odisha High Court in September 2008, the GoO gave a target to the District Administration to reach out to at least 40,000 tribal households by the end of 2009 [Interview-11, 2014, Interview-12, 2014, Interview-13, 2014]. The Collector and the Sub-Collector of Koraput took this on priority and made a six months plan to reach out to eligible claimants [Interview-12, 2014]. The Block Development Officers (BDO) and the related *Tehsil* heads were assigned prime responsibility to identify claimants and internal targets were formulated for each Block.

As *Tehsils* were already short on staff so, retired Revenue Inspectors (RI) were re-employed by the Sub-Collector's Office for a period of three months. Five RIs were involved for FRA work in 2008. These RIs were pivotal in getting claims from villages. A budget of ₹300,000 was utilised for FRA-related activities in that period [Interview-12, 2014]. To expedite the process *Tehsils* decided to involve local school teachers in this task. Under this arrangement four to five teachers were assigned to each RI. This team of RI and teachers reported directly to the Sub-Collectors Office which hosted a temporary window to collect FRA applications [Interview-11, 2014].

6.4.1.1 FRA Comes to Village Narsi

A school teacher from *Gram Panchayat* visited Narsi village in January of 2009. He called everyone to the school and asked them questions about their households farm lands. He also enquired about the use of *Dongar* lands by the villagers. He told villagers that GoO has decided to give *patta* (titles) for forestland to tribes and soon they will also get forest land *patta*. The next day, the teacher came again with a RI [81]. Households were asked to put thumb impressions on some papers. The RI and teacher left and villagers didn't hear from anyone about the *Dongar patta*. After a couple of months, the village *Sarpanch* was called to the Block Office. There he was made to put his signature on papers related to the *patta* of his village inhabitants. A total of 98 applications were there from Narsi except for 2 non-ST households. For the next 3 years nothing happened and the villagers forgot about those *patta* talks. In 2012, the *Sarpanch* received a notice from the Block Office that FRA titles have arrived for some people of his village. WEO and BDO gave him a list of 46 villagers who were to travel to the town of Koraput to collect their *dongar patta*. Some of these villagers did go to Koraput where they received their *patta* in a public function organised for the Chief Minister of Odisha. At that function, each title holder was also handed a sanction letter of ₹16,500/acre to develop their newly titled forestlands [GD-13, 2014].

[81] None of the villager had seen that RI before.

So, in Narsi there was no FRC and the *Gram Sabha* never sat to consider claims. Claimants were not aware of what was happening and joint verification of land by SDLC was not undertaken. To put things in a nutshell, the RI-teacher team played all the above roles. Narsi is not a standalone case, as in all 30 villages similar stories emerged during the research about the early years of FRA claim-making.

The process undertaken in the year 2008-09 in Koraput bypassed all the procedures and checkpoints outlined in the Act. The urgency shown by the State to settle forest rights, coupled with the special measures placed in the District made sure that a high number of applications were collected in a short span of time and processed centrally.

6.4.1.2 Data Keeping and Information Sharing Issues

FRA guidelines of 2012 made it clear, that if an applicant do not hear about the status of their applications within 3 months of applying to FRC, then the relevant institution needs to inform them about the reasons behind the delay. In Koraput this was not being practiced [Interview-14, 2014]. When a village chief or an applicant enquired about claims whatever information was available with the WEO was informally shared with them. There was no pressure on officers to pro-actively share information with claimants [Interview-17, 2014]. However, it was unusual for tribal applicants to ask for FRA claim status. With time and experience, the FRA process is undergoing refinement and by 2014 on many occasions elected village representatives were informed about the status of FRA applications for villages they represented [Interview-20, 2014].

In research survey, only 25% of the respondents mentioned that they at least once had visited one or more government offices to enquire about their land records. None of them were aware of their right to ask for a written acknowledgment for submission of FRA application and delays in getting FRA titles. 56% of the respondents had applied for FRA titles in 2008-09, out of which 16% did not knew how their applications were submitted or what information went into their application. The remaining 44 % had applied for FRA

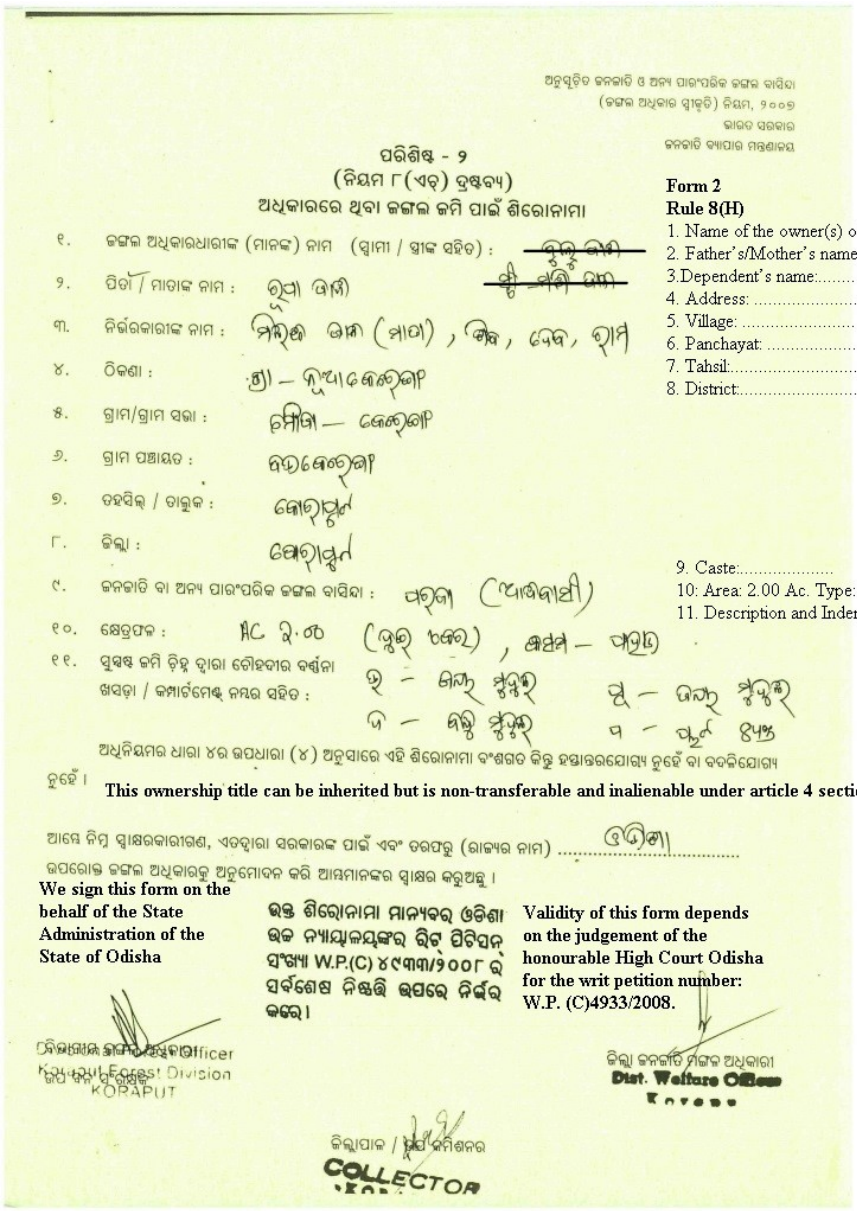
titles in 2010-11. 80% of the applicants had received FRA titles in 2012-13.

A point to ponder is that FRA certificate does not mention a release date (see Figure 6.2). The data provided by ITDA also did not contain date of release of titles. It has used the date of the consideration of claims by SDLC and DLC as its reference date. There was a difference in the time-record maintained by ITDA and the time when claimants had received their titles. There was usually a time-lapse of one year or more between the DLC approval of the claim and the receipt of the title certificate at the claimants end. During the years 2008-2012, in the absence of any clarity over FRA record keeping, reference copies of title certificates were not kept in the District. Since 2012, the ITDA has started keeping photocopies of the title certificates before dispatching them for distribution, but there is still no provision to keep a copy of original applications, so, there is no source to cross-check the information submitted by the claimants. This is a major gap in the record keeping of FRA [Interview-12, 2014], particularly in the cases of any dispute between claimants and the government.

While examining FRA certificates it was found that a large number did not mention the location of land (due to lack of land verification). A few households that had received two or more certificates were under the impression that they had received titles for two parcels [HHS-097, 2014]. FRA-related officers were not sure of the means of verifying and cross-checking such duplications in the absence of old records of applications [Interview-12, 2014]. In such a case only the most recent titles were being considered valid [Interview-21, 2014, Interview-22, 2014]. All the Government Officers I interviewed for the research openly agreed that there were many shortcomings in the way FRA claims were being handled and disposed in the District.

6.5 Politics of FRA

The need for greater clarity in land rights and settling land in the name of tribal households by allotting land titles or *Patta* has been recognised as a key to control of the LWE



ଅନୁସୂଚିତ ଜନଜାତି ଓ ଅନ୍ୟ ପାରଂପରିକ ଜଙ୍ଗଲ ବାସିନ୍ଦା
(ଜଙ୍ଗଲ ଅଧିକାର ସ୍ୱୀକୃତି) ନିୟମ, ୨୦୦୭
ଭାରତ ସରକାର
ଜନଜାତି ବ୍ୟାପାର ମନ୍ତ୍ରଣାଳୟ

ପରିଶିଷ୍ଟ - ୨
(ନିୟମ ୮(ଏଚ୍) ଦ୍ରଷ୍ଟବ୍ୟ)
ଅଧିକାରରେ ଥିବା ଜଙ୍ଗଲ ଜମି ପାଇଁ ଶିରୋନାମା

Form 2
Rule 8(H)

୧. ଜଙ୍ଗଲ ଅଧିକାରଧାରୀଙ୍କ (ମାନଙ୍କ) ନାମ (ସ୍ୱାମୀ / ସ୍ତ୍ରୀଙ୍କ ସହିତ) :
1. Name of the owner(s) of the forestland (Husband and Wife)

୨. ପିତା / ମାତାଙ୍କ ନାମ :
2. Father's/Mother's name: .....

୩. ନିର୍ଭରକାରୀଙ୍କ ନାମ :
3.Dependent's name:.....

୪. ଠିକଣା :
4. Address: .....

୫. ଗ୍ରାମ/ଗ୍ରାମ ସଭା :
5. Village: .....

୬. ଗ୍ରାମ ପଞ୍ଚାୟତ :
6. Panchayat: .....

୭. ତହସିଲ୍ / ତାଲୁକ :
7. Tahsil:.....

୮. ଜିଲ୍ଲା :
8. District:.....

୯. ଜନଜାତି ବା ଅନ୍ୟ ପାରଂପରିକ ଜଙ୍ଗଲ ବାସିନ୍ଦା :
9. Caste:.....

୧୦. କ୍ଷେତ୍ରଫଳ :
10: Area: 2.00 Ac. Type: Pahada,

୧୧. ସୁସ୍ପଷ୍ଟ ଜମି ଚିହ୍ନ ଦ୍ୱାରା ଚୌହଦୀର ବର୍ଣ୍ଣନା ଖସଡ଼ା / କମାର୍ଟମେଣ୍ଟ ନମ୍ବର ସହିତ :
11. Description and Indentification of land:
East: West:
North: South:

ଅଧିନିୟମର ଧାରା ୪ର ଉପଧାରା (୪) ଅନୁସାରେ ଏହି ଶିରୋନାମା ବଂଶଗତ ଜିନ୍ଦୁ ହସ୍ତାନ୍ତରଯୋଗ୍ୟ ନୁହେଁ ବା ବଦଳିଯୋଗ୍ୟ ନୁହେଁ ।
This ownership title can be inherited but is non-transferable and inalienable under article 4 section 4.

ଆମେ ନିମ୍ନ ସ୍ୱାକ୍ଷରକାରୀଗଣ, ଏତଦ୍ୱାରା ସରକାରଙ୍କ ପାଇଁ ଏବଂ ତରଫରୁ (ରାଜ୍ୟର ନାମ) .....
ଉପରୋକ୍ତ ଜଙ୍ଗଲ ଅଧିକାରକୁ ଅନୁମୋଦନ କରି ଆମମାନଙ୍କର ସ୍ୱାକ୍ଷର କରୁଅଛୁ ।

We sign this form on the behalf of the State Administration of the State of Odisha

ଉକ୍ତ ଶିରୋନାମା ମାନ୍ୟବର ଓଡିଶା ଉଚ୍ଚ ନ୍ୟାୟାଳୟଙ୍କର ରିଟ୍ ପିଟିସନ୍ ସଂଖ୍ୟା W.P.(C) ୪୯୩୩/୨୦୦୮ ର ସର୍ବଶେଷ ନିଷ୍ପତ୍ତି ଉପରେ ନିର୍ଭର କରେ।

Validity of this form depends on the judgement of the honourable High Court Odisha for the writ petition number: W.P. (C)4933/2008.

ବିଭାଗୀୟ ବନ ଅଧିକାରୀ Officer
Koraput Forest Division
KORAPUT

ଜିଲ୍ଲା ଜନଜାତି ମଙ୍ଗଳ ଅଧିକାରୀ
Dist. Welfare Officer

ଜିଲ୍ଲାପାଳ / ସହାୟକ ଆୟୁକ୍ତ
COLLECTOR

Figure 6.2: A sample of FRA title certificate from Koraput

expanse in Koraput [MoTA, 2013]. Political willingness, initiatives by governments and pressure from civil society played a crucial role in steering the FRA in [Kumar and Kerr, 2012, Barnes and van Laerhoven, 2015, Barnes et al., 2016]. The broader macro level political actions on FRA and its reflection on the micro levels such as in Koraput, makes it a suitable case to understand the political geography of such tribal landscapes.

6.5.1 Koraput and the Central Government Vs. the Courts

At the national scale, on one hand an effective social movement was led by forest right activists [Barnes et al., 2016] and on the other hand strong political will was demonstrated by some key political leaders [Bose, 2010, Springate-Baginski et al., 2013]. However, the introduction of the Act was not a smooth process. As soon as the Act was released, several court cases were filed against it in many Indian States including Odisha. So, in its initial two years the Act was marred with legal lock. The High Court of Odisha dismissed the case against FRA in September of 2008 and soon thereafter, GoO released a series of instructions to launch the Act on a large scale. Following this, a major FRA focussed planning was undertaken and executed in Koraput in 2008-09.

Although the case in the High Court of Odisha was dismissed, the one in the Supreme Court remained undecided. It led the GoO to release FRA title certificates with a stamp/seal referring to the ongoing case and the possible changes in the nature of rights based on its final judgement [Interview-12, 2014]. The case at the Supreme Court was dropped in 2011, but the title certificates released in 2014 in Koraput still carried the stamp detailing the stay order and referring the certificates as provisional, in a way, challenging the validity of such certificates [Interview-51, 2014]. Non governmental advocacy forum in Odisha clarified that *"all the court cases have been dropped in 2009 itself and now there is no reason for the State Governments to release such provisional certificates"* [Interview-57, 2014]. Local officers and bureaucrats in Koraput were found to be unaware of the status of these court cases.

The Central Government also played a critical role in keeping the MoTA and MoEF on a common platform. The two Ministries were kept in the loop for clarifications and circulars that were sent across to the States. Between 2007-14, there were many rounds of discussions between GoI and GoO. Presence of pro-FRA ministers in MoTA, MoEF and Ministry for Rural Development (MoRD) in 2008 and 2012 also created a conducive

space for the FRA to grow[82]. The political will behind FRA has been excellent when compared to other significant tribal or forest acts.

6.5.2 Tribal Electoral Politics and FRA

This section discusses the changes seen in the electoral mandate of Koraput, during the 14th and 15th General Elections and how FRA had played a role in shaping local political outcomes.

The tribal citizens of Koraput for generations had voted for the Congress Party, such was the popularity that since 1951 it had an undisputed claim over Koraput's tribal voters. However, at the State-level, a major regional political party - the Biju Janata Dal (BJD) had ruled unopposed for the 3 consecutive terms. At the time of elections in 2009 BJD was a weaker political outfit in Koraput. To further accentuate the electoral outcomes, the GoO was also dealing with an unprecedented rise in insurgent activities and pressure to settle land in the names of landless tribal farmers in Koraput was mounting. The 2009 elections were a test of credibility for the ruling alliance led by the Congress, in New Delhi and it was an opportunity for BJD to make a mark in tribal Koraput.

In its efforts to deliver on its promises of tribal welfare, the Central Government in Delhi pushed State Governments, which in turn pushed the District Administrators of Koraput to implement FRA urgently. The District Collectors were instructed to convene District-wide *Palli Sabhas* (another local word for *Gram sabhas* in Odisha) to kick start start FRA process in villages by constituting village based FRC. The State Government set up an internal goal to contact at least 60% of the potential FRA applicants in the first six months of 2009 [Interview-12, 2014, Interview-27, 2014]. The target-oriented nature of the claim application collection process ensured that most FRA claims were collected

[82]In 2011, in MoTA, the Minister Kantilal Bhuria was replaced by Krishna Chandra Deo. Mr. Deo headed the Parliamentary Joint Committee on FRA in its drafting stages so he was well grounded on the Act and its provisions. In the 16th General Elections a minister with tribal origin from Odisha, Mr Jual Oram was given the charge of FRA. Similarly, bureaucrats in MoTA were also carefully selected to ensure speedy implementation of the Act.

in 2008-09. In planning meetings at the State Office, Koraput Collectorate was instructed to settle about 40,000 claims under FRA. In the spate of claim making, between 2008 and 2009, about 21,000 claims were submitted to the Sub-Collector's office in Koraput [GD-35, 2014]. Thus, politics and bureaucracy worked together to ensure that claims were received on a strict time frame.

Circulars from the Chief Minister's Office were sent to District Collectors which clearly instructed them to organise public functions to distribute FRA title in the presence of local legislators and political representatives. The Chief Minister himself came down to Koraput and distributed the first set of 899 titles in 2011. Thus, politicians made sure that they were visibly seen to be associated with FRA forestland titles.

The hasty implementation of the Act was criticized by many, and a series of nationwide protests and grievances brought to light the inappropriate ways in which the FRA was being implemented, and the inability of the officers to comprehend the Act provisions[83]. Nevertheless, on political fronts, the visibility strategy adopted by BJD was successful. Its candidate reaped the benefits of the goodwill generated by associating with welfare agenda created around issue of rights and welfare of *Adivasi* voters.

Post election, in 2012, FRA was overhauled under a new Union Cabinet Minister and the momentum shifted away from demanding individual titles to securing titles over community forests[84]. All through this phase, civil society played an important role in giving feedback to the Parliamentary Committee on the implementation of FRA [Barnes and van Laerhoven, 2015]. In Koraput a Non-Governmental Organisation was engaged to help the District Administration to sort out FRA claims. Similarly, after 2012 other a few more local civil society organisations were also asked to help facilitate claim-making at *Gram Sabhas* [GD-35, 2014, Interview-63, 2014]. Field-observations in Koraput showed that in many villages the role of the FRC was taken over by voluntary organisations.

[83] `https://www.outlookindia.com/magazine/story/short-on-the-delivery/270509`

[84] Post September 2012 Amendment of the Act, much attention has gone into materialising community forest resource rights under FRA.

In 2011-13, while preparing for the General Elections of 2014, the Central Government announced a convergence program for FRA title holders. Under this program FRA title holders and their lands were to be linked to various ongoing welfare schemes. The State Government of Odisha also introduced the local-versions of popular National-level tribal welfare schemes including the Rural Employment Scheme[85], the Subsidised Rice Scheme[86], the Homestead-Land Distribution Scheme[87], the Affordable Housing Scheme[88], the Village Roads Improvement Program[89], the Old age/Widow Pensions[90] and the Rural Electrification[91]. Other pre-election announcements included the promise of increased rights over local natural resources for tribes and a stronger stand against insurgency in the District.

By 2013, Odisha became one of the leading States in India in its reach of FRA implementation. It received widespread appreciation from the Central Government and international Institutions for giving away forest land titles to many tribal households. The immediate political benefit of wide scale implementation of the Act was that, the BJD attracted political support from existing FRA title holders who were sure to gain significantly from various rural development schemes and programs [FGD-01, 2014a]. Reflecting on the developing local political change in Koraput, *Adivasi* demands for land and forest rights played an important role in both the elections, 2009 and 2014[92]. In this rights-led electoral tussle Koraput was retained by the BJD.

[85] `http://www.nrega.nic.in/netnrega/home.aspx`

[86] It is one of the popular schemes in Odisha where tribal families can buy 35 kg of rice each month at a cost of ₹1/kg. Other similar schemes include- giving 25 kg of free rice to ST and SC families living below poverty line. These schemes are bundled as subsidised rice schemes.

[87] Under the My Homestead Land Scheme tribal families without a title for their homestead are given title for land ranging from 1 to 10 cent (100 cent = 1 acre). The idea is to identify landless families and give them a small piece of homestead land under the ongoing OTELP program. Similarly, the local Revenue Department in 2010-11 had initiated a similar program to give homestead titles for the new generation of tribal families who had built houses on the village common lands. The last land settlement in Koraput took place way back in 1952-67 and therefore there are many families who live on lands without any kind of record of rights.

[88] `http://www.iay.nic.in/netiay/home.aspx`

[89] `http://omms.nic.in/`

[90] `http://nsap.nic.in/`

[91] `http://powermin.nic.in/en/content/overview-1`

[92] The Central Government was replaced by a new national political establishment - the National Democratic Alliance (NDA) - in 2014. On assuming power NDA dissolved NAC and thus halted the pace of the FRA.

So, to sum up the electoral politics of FRA in Koraput, it can be said, that the FRA has taken roots in a background where political entities have used the Act to reap huge electoral benefits. However, once elections were over the rapid pace of the FRA was halted.

6.6 Bureaucracy Surrounding FRA

Field functionaries and the local bureaucrats from RD, FD and Tribal Welfare are at the first line of response on FRA. In the overall arrangements for FRA, the Tribal Welfare Department coordinates various stages of claim considerations and facilitate FRA-related activities between RD and FD (See Figure 6.3). In Koraput, the Act was supervised by the District Collector's Office and coordinated by the Integrated Tribal Development Agency (ITDA). Understanding this structure of bureaucracy is crucial to get to the root of the problem of FRA coordination in Koraput.

Fieldwork has shown that the key departments involved in FRA have their own structural merits and demerits. Structural differences on reporting are a major obstruction which limits the abilities of FRA field functionaries. Besides, there is an on-going struggle of authority between the functionaries of these departments. Field investigations shows that the officers from each of these Departments have rather worked for their organisational mandates than serving the mandate of FRA.

6.6.1 Integrated Tribal Development Agency (ITDA)

The Integrated Tribal Development Agency (ITDA) coordinates FRA implementation with direct support from the District Administration and the Schedule Tribe and Schedule Caste Development Department (STSCDD) of the GoO. The various Administrative Community Blocks (or Blocks) sends monthly FRA progress report to the ITDA Project Officer in the first week of every month. ITDA compiles and sends this data to STSCDD

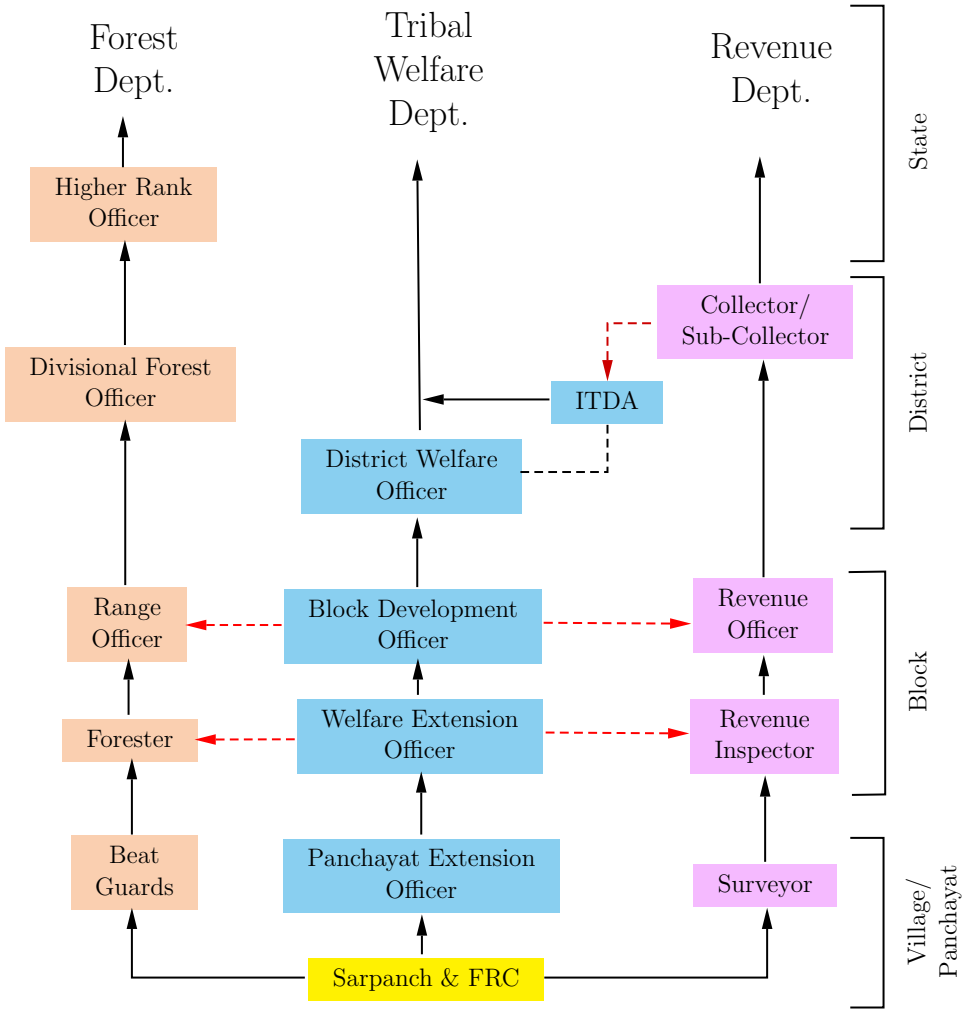


Figure 6.3: FRA field functionaries are shown with different departments shown with different colors. Arrows in black color represent established line of hierarchical communication. Arrows in red color represent inter-departmental communication.

in the second week (11th day) of every month. STSCDD organises District-level FRA quarterly review meetings where all ITDA's (including Koraput) discussed their progress and issues. This is also the occasion when the SLMC gives its feedback to the State. Once this State-wide data is compiled this is then forwarded to MoTA [Interview-12, 2014]. So, the chain of data reporting on FRA starts from a Block and ends in New Delhi (see Figure 6.4).

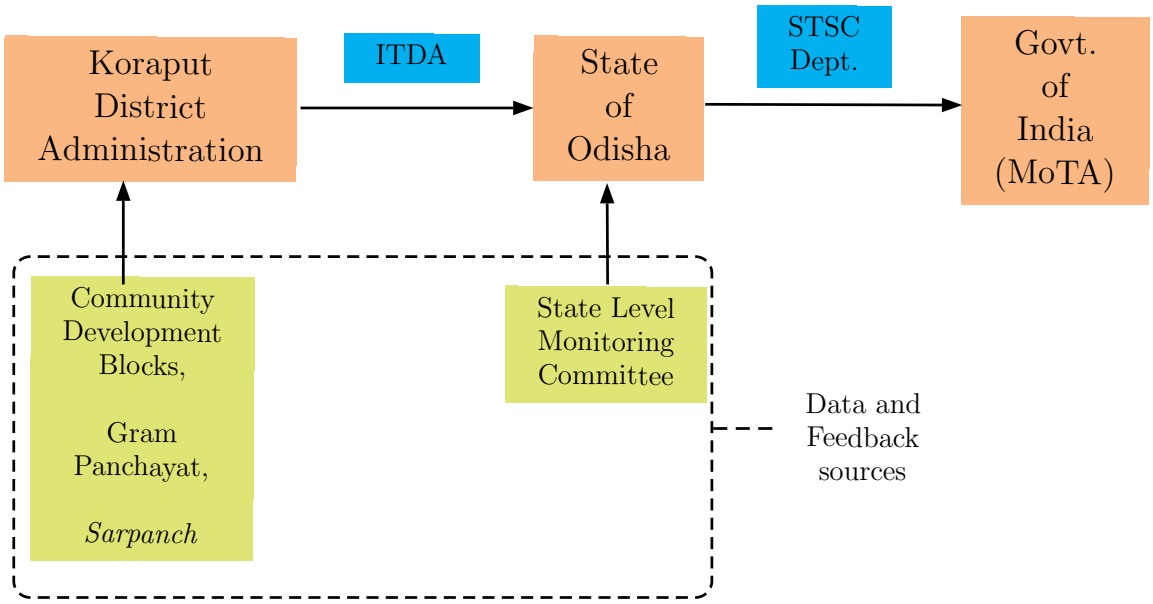


Figure 6.4: FRA data reporting and feedback channels

6.6.2 Welfare Extension Officers (WEO) - Harmonising FRA

The Community Development Blocks are led by a Block Development Officer (BDO) who is responsible for overview of the tribal-welfare program in a Block. In the context of the FRA, BDOs have delegated these responsibilities to the Welfare Extension Officers (WEO). These officers play a pivotal role in facilitating, coordinating and collecting completed FRA applications from Panchayats. A WEO is also responsible for sending FRA-related communications to the local Offices of Revenue and Forest. It is done through official letters and over the telephonic exchanges [Interview-28, 2014]. The position of the WEO is based in the central complexes of Blocks which holds various other offices, but these complexes are often placed at reasonable distances from tribal claimants. In such cases, A Panchayat Extension Officer (PEO) who is based in Block works closely with WEO. In three Blocks, WEOs were young (< than 30 years of age) and new (< 2 years on job) and were not well-versed with the tribal villages or the local FRA claim-making process which was in practice before 2012.

In Koraput the FRCs for all practical reasons were non-existent and appeared only on government records. In such a case, facilitation of FRA applications and their completion fell upon WEO and PEO. Village-chiefs or *Sarpanchs* played a crucial role in providing

households with information for incomplete applications. As explained by a village chief, "...in 2009, I was called by the Revenue Inspector to his office, where I was told that *dongar patta* will be given to his village-fellows. A teacher and the Inspector then collected basic details of all the villagers in a format (meant for FRA), and in a year or two, the PEO also called me to his office to get some more information about the applicants. On two occasions, I was also asked to suggest names of villagers for the membership of FRC and later these names were submitted as the list of FRC members from his village" [HHS-001, 2014]. Relationships between Village-chief, PEO and WEO also affected the handling of applications. With increasing awareness on FRA (post-2012) many Village-chiefs started playing an active role in providing clarifications on the applicant's status and information on forestland use. They also assisted Revenue Officers who visited their villages for verification of some claims [FGD-01, 2014b]. Panchayati Raj Department has also ensured that all Village-chief had a chance to participate in FRA trainings and join the monthly discussions in the Block Offices. They were paid to come and attend such training events [FGD-01, 2014a].

WEO expressed their displeasure over their position in FRA and invariably all four WEOs, felt overburdened with the additional responsibilities of FRA. They were held accountable to keep updated records of all the ongoing welfare schemes in their Blocks; but the FRA being a full act needed separate arrangements like those of MGNREGA. They felt that the FRA was more rigorous and time-consuming than their other responsibilities [Interview-20, 2014]. In the absence of any dedicated delivery system for the FRA, since 2012 the cramped offices of WEO have become the holding points of all the initial paperwork related to the application completion. Once a WEO hands in an application to SDLC they have no further role in what happens to it [Interview-14, 2014]. However, a point to consider is that in the existing arrangements, a WEO spends a great deal of time with an application and thus recognises details of every application.

Another major challenge that WEO experienced is the constant need for the WEO to communicate with the local Foresters and RI. Such inter-departmental communication

by the officer of WEO rank was a recent development and WEO often found themselves inexperienced on this front [Interview-20, 2014, Interview-29, 2014]. An officer from Revenue Office said, *"the FRA has created a novel space for participating departments to work together and engage more often with each other"* [Interview-13, 2014]. Another Officer from Forest Office, noted *"no other program before the FRA had demanded them to work so intimately with the other two Offices"* [Interview-36, 2014]. Officer from the Tribal Department pointed out his helpless in coordinating efforts on FRA as, *I do not have any authority over the officers from the Departments of Revenue and Forest, and, the local Forester will not even respond to any official communications from my end. I prefer to call them over phone to get FRA work done"* [Interview-29, 2014]. In the study region, the personal associations between the ground functionaries were more important than departmental associations.

WEO work under a BDO and BDO meets *Tehsildar* frequently to exchange information about various land-based programs [Interview-21, 2014, Interview-64, 2014]. Both these Offices reports to the same authority - the Collectors, in the District. In many Blocks, the BDO served additional charge as the *Tehsildar*. In such situations, quick responses and coordination of efforts were assured for these two departments. The FD on the other hand, has its own line of reporting and it is not accountable to the Collectors Office. A DFO can refuse to follow the orders of the Collector in sensitive matters and is only bound by the order of his own superiors [Interview-07, 2014].

In summary, there are two separate authorities for the management of revenue land and forestland and there are two parallel systems of administration, and these two are not answerable to each other. In matters concerning FRA, the existing authority arrangement made the working of WEO complicated. The Officers that I interviewed mentioned that, *"FRA is the first of such programs where they have been asked to work so closely with the FD. Earlier their office had only worked in their exclusive domains and had little experience of working with the FD on any long-term tasks"* [Interview-13, 2014]. Other said, *"I see FRA as an opportunity for us to work closely with the FD"* [Interview-11,

2014]. Suggestions came from both the Departments that *"for FRA-like initiatives there is need a have a dedicated cross-departmental body or platform to coordinate our efforts, and for that, it would be useful to have a separate agency in the District to deal with issues arising out of the FRA in future"* [Interview-28, 2014]. Other hurdles for WEO included, remoteness of tribal habitations and security issues, in such cases WEO would not go for field visits [Interview-20, 2014]. Similarly, insufficient funds at the disposal of WEOs also came out as major challenge in organising village visits for the joint verification of FRA claims [Interview-17, 2014]. All WEO depended on the RI or the PEO to accompany them to villages [Interview-29, 2014].

The GoI has released funds under the section 275 (A) of the Constitution of India for the States, to implement FRA and since 2011, under the program of convergence on FRA lands, more funds have started to flow in through the District Rural Development Agency (DRDA). For the year 2013-14, the GoO had a budget of about ₹0.89 billion for FRA [Interview-32, 2014] and in Koraput an estimated ₹9.8 million was spent on FRA-related activities between 2008-14 [Interview-12, 2014]. The officer in charge for FRA at STSCRTI believed that there were sufficient funds with the State for FRA-related activities. However, how these funds have been channelized to Districts including Koraput, and what proportion of it is used for what kind of activities under FRA, is not known yet [Interview-32, 2014, Interview-23, 2014].

Overall, WEO is a well-recognised position in the Block Offices and tribal applicants could identify WEO by name or face[93]. Their office is perceived as an accessible government office by the surveyed households. Close contact between WEO and PEO in Koraput has ensured that FRA- related services and information is accessible to the applicants and other organisations. The presence of the WEO's office as a first level assemblage points for FRA applications has certainly worked well for Koraput, however, a lack of authority and inexperience of WEOs in working alongside Tehsil and Forest Offices is a concern.

[93]WEO office is also responsible to disburse monthly allowances and support for widows, physically-disabled, scholarships for tribal students etc.

6.6.3 Tehsils: Leading FRA on Fields

The role of a Tehsil (a unit in organisation of Revenue Department) in FRA is to participate in joint verification of claims, and to approve the status of land being considered under FRA settlement. Once FRA land is verified, a local Revenue Office must incorporate this forestland into the Record of Rights (RoR) of the village and the household[94]. The role of Revenue Administration also assumes greater significance as the chairperson of the DLC is the Collector, who is the head of the Revenues for the District. The flagship need to involve Revenue Officials in the FRA arises out of the fact that it is the only Department which holds information of the original sources of the old (*Sabik*) and new (*Hal*) records (*khata*) of land, as forestland or otherwise [Interview-19, 2014, Interview-13, 2014]. With 75% of forestland classified as Revenue Forest it is critical for the ITDA to seek cooperation from the Tehsils to know the legal standing of the revenue forestlands which are being claimed and settled under FRA in Koraput [Interview-32, 2014, Interview-11, 2014].

As defined in the Act, the Revenue Department is to play a supportive role to the ITDA. However, during the fieldwork it was found that this department was indeed performing the bulk of the groundwork for FRA. As discussed earlier Sections, in the first phase of FRA (2008-12) a greater part of the work related to filling, collection and routing of FRA applications rested with the retired Revenue Inspectors. Similarly, in post-2012 phase, the Revenue Inspectors have stayed at the forefront of FRA claim making due to their familiarity with the tribal land-holdings and their reach to tribal villages [Interview-13, 2014, Interview-65, 2014]. Through organisation of various activities like village revenue collection-camps and distribution of Caste certificates Tehsils have become an accessible government agency for tribes in the region [Interview-33, 2014, Interview-13, 2014]. Unlike the WEOs or Foresters, RIs spent most of their time traveling to villages and interacting with farmers about their lands.

[94]This is yet to happen in Koraput but with the clear guidelines from Central Government in 2011 it is expected that once ground survey and demarcation of FRA lands takes place in Koraput, all RoRs will get updated.

6.6.4 Inter-Departmental Discords

Coming back to the inter-departmental relations, BDO and WEO had easy access to the *Tehsils*. Block Offices and Revenue Offices had many common programs. Therefore, a *Tehsildar* remains in constant touch with the BDO [Interview-34, 2014]. This is contrary to the position of the FD in a District. FD mostly worked independently of the Block Administration and it was atypical for the functionaries of FD to participate in regular review meetings held by the Block Administration. The territories over which FD operates are different from the Block administered revenue territories. Often, both entities co-exist in the same geography, but they do not interfere in each other's domain [Interview-36, 2014]. Except for a few cases (mostly involving diversion of forestland to non-forest use) for a large part of its existence the FD in Koraput has worked in isolation from other Departments. The bigger structure of Forest Administration had ensured that the DFO does not report to the District Administrator [Interview-07, 2014]. This means that a District Administration has no authority over the local FD and so the DFO is not answerable to the Collector. This causes major problems in the integration of the FD into the day-to-day governance and actions of the Block. This situation has certainly created complications for WEOs to bring field functionaries of FD and RD on common ground regarding the FRA. In FRA, inter-departmental non-cooperation (although covert) is manifested at various stages:

- A lack of joint training sessions on FRA: STSCRTI (based in Bhubaneswar) is the nodal institute for training Government Officers on FRA in the State. It organises some FRA trainings in Koraput through ITDA. Field-functionaries from Tribal Welfare and Revenue Offices have attended these trainings [Interview-32, 2014]; however, officials from the FD do not get a chance to participate in them (FGD 03). The Forest Office in Bhubaneswar had organised internal orientation for DFOs, Rangers and Foresters in the Division and Koraput DFOs regularly received information about FRA from the PCCF office in Bhubaneswar [Interview-06, 2014]. As discussed before, there were several occasions where the Union Minister for Tribal

Welfare had to intervene directly with the Minister for Environment and Forest on conflicting matters of the FRA. This friction was visible in the State units of these two ministries and was also reflected in their field units in Koraput.

- Long delays in arranging for the joint verification of claims: According to the Act all claim applications must be jointly verified by the officers from the three key agencies. As the WEO in Koraput often struggles to bring together the other two officers from the Forest and Revenue Offices authentic joint verifications have sometimes not been conducted in Koraput. As mentioned by the WEOs, to verify the land being settled in the title certificates the local Revenue Inspector is asked to make a visit to the village and verify the details of the land including its location, type and occupation status. Once he returns from the field he submits his written report to the WEO [Interview-14, 2014], Group Discussion 36)[95], who later gives it to the local Forester in for his consideration. So, all the three Offices get the verification report prepared by the Revenue Inspector and based on that they give their approval or clearance on the suitability of the land in question [Interview-36, 2014, Interview-37, 2014]. Once the signatures from all the three offices are obtained, the application is considered verify they make one or two FRA related visits to the villages [Interview-11, 2014, GD-36, 2014]. When I raised the same question with the concerned Forest Range Officer he mentioned *"that in this year his officers have not gone out for any FRA-related verification visits with WEO. I do get FRA files from the WEO and my office just makes sure that no Reserve Forest has been claimed in these applicants. If I find any applications for land in Reserve Forest, I inform my DFO about it. It's a DFOs call to then send a team to the site to see if the claims are genuine"* [Interview-37, 2014]. So, each department conducts its own verification, but such arrangements are indirect and time consuming and,

[95]Researcher attended one such joint verification visits in to the village of Chandaka in July 2014 for a village CFR application. A team of two Revenue Inspectors arrived at the village with maps. They asked a group of villagers to take them to the areas claimed under FRA and made notes of the land type using their maps. Based on the information they informed villagers that their applied area looks fine except for a part of the land which was of *Pahada Kissam* or hill type and that could not be considered. Upon returning from the village they handed over their report to the WEO for further work on it (Field Observation, July 2014).

in a way, go against the needs of the Act.

- Lack of information with DFO office about the status of Reserved Forestland settled under FRA: One of the key roles of the Revenue and FD in the FRA is to ensure that the land being settled under the FRA is identified and recorded correctly, although there is no restriction on the type of land that can be settled under the FRA if it is forestland. However, in the absence of active involvement by the FD and the lack of insistence on FD participation by the Tribal Welfare Department in Koraput some 2.5% of land listed as FRA land falls in various Reserved Forests. The Forest Office reacting to this data said, *"I have raised objections to include these RF forest lands for settlement under FRA, they should not be settled. The District Administration and WEO office is not involving us properly in FRA land application and identification exercises"* [Interview-07, 2014].

- Lack of awareness about the status of land and its ownership in ITDA/Block staff: For information regarding the land in question Block Officers are dependent on Tehsil and Forest Staff. A lack of communication between the FD and RD puts the Block into a position where the understanding of the legal ownership of land being claimed becomes impossible. So the situation is such that Officers of the Tribal Welfare Department are keen on settling rights but have no knowledge of the status of land [Interview-30, 2014]. The Revenue Department has knowledge of the Revenue Forests but find itself stranded in deciding on other kinds of forestlands [Interview-13, 2014] and lastly, the local FD is not rigorously involved in the FRA process, so they don't get a chance to raise their issue and provide their expertise on the forestland owned by them [Interview-36, 2014, Interview-37, 2014].

- Each department is prioritising its own expectations from the Act. In words of a Revenue Official, *"FRA settlement is an opportunity to extend their ongoing program to give land to landless farmers in Koraput"* [Interview-11, 2014]. FD officials consider FRA as a means to give further recognition to FD-initiated Joint Forest Management (JFM) committees in the Division; DFO mentioned *" there are*

716 JFM groups in Koraput and they will benefit from FRA" [Interview-06, 2014]. Lastly, Block Officers consider FRA as a mean to reach out to the tribes with their ongoing welfare schemes; *"giving land* Pattas *to tribal households will ensure that they will have access to our other development schemes"* [Interview-30, 2014]. There is a gap in common understanding of the spirit of the Act each Department is serving its own mandate.

- Lack of vision for FRA lands: In the light of different understanding of the outcomes of FRA, field officers from the key Departments, were unable to foresee the future issues and needs of FRA lands and owners. Many of them addressed the FRA as a new scheme rather than an Act which points towards a tendency of considering the FRA as a onetime land distribution program.

Koraput as a case study provides interesting insights into how the Acts' implementation in the study area has become a bone of contention for *adivasi* voters, local leaders, state agents and the National Government. In the past eight years political objectives and bureaucratic tactics have steered the Act in its current direction. The outcome and reach of the FRA at the grass roots is essentially being decided by two vital actors: politicians at the macro scale and bureaucrats at the micro scale. National and Local-level politics has played a major role in driving the FRA through the complex institutional background in which it operates.

Chapter 7

Findings from Title-holders' Survey

This chapter, explores various tactics that tribal households have put into practice to obtain their forest rights. This analysis contributes to furthering the understanding of environmental endowment and entitlements framework where secured tenancy over forestland is an endowment by itself, but getting benefits from this endowment will further depend on other entitlements, including access, knowledge and opportunities to make better use of their lands.

7.1 Individual Title-holders'-Demographics

Out of the 30 villages surveyed, only 6 were completely covered under the FRA, means all eligible households had received FRA titles. 11 villages had 20 or more households waiting to get a decision on their claims [ITDA, 2014]. In large villages (¿ 120 households) and heterogeneous villages (with SC, OBC and ST households) FRA took longer to reach out to all eligible claimants. For instance, Bona is a large village with 125 tribal houses where every household practices farming on hill/forest land. In 2008 and 2011, tribal households applied for FRA in two batches but until 2014 only 75 households had received their land titles [GD-07, 2014]. In 4 villages, more than 60 ST households were yet to get FRA titles

(see Table 7.1). The data further indicates that villages inhabited only by ST households were more likely to get their titles early, whereas the presence of non-ST households in the village often led to delay in approval of FRA title certificates.

Table 7.1: Households waiting for FRA titles

Sample Villages	**# of Households***
11	0 to 10
6	11 to 20
7	21 to 60
4	more than 60

*All these ST households had applied for titles at the same time

Household data shows that within ST households the *Kondhas* have received the largest share of titles, followed by the *Parajas* and the *Gadabas*. In 3 villages, non-ST households had submitted their claims but their applications were not considered for further actions [GD-19, 2014, HHS-001, 2014]. About 16.4% of FRA titles owning households were headed by women and their titles were also issued on women's names. In Table 7.2, I have summarised the major demographic profile of the surveyed households.

In tribal villages there is a patrilocal residence system, and a newly married couple usually gets a separate house in the husband's village. FRA has not specified what constitutes a household or how an extended family should apply for individual titles. The Act has left it to the *Gram Sabha* to identify claimants and approve applications before sending them through the higher administrative channels. In the early years, when local teachers and RI filled household applications, they suggested that every married couple should apply for FRA [Interview-11, 2014]. In the survey, 30% of title holders were newly married but cohabiting with the boy's parents. All of them had plans to move in to their own houses in one year[96]. More than 85% of FRA title recipients were young or middle-aged (¡ 45 years). Forest farming or hill-farming is physically demanding work, so when the opportunity to make claims arrived, many households encouraged younger family members to apply for FRA titles [GD-05, 2014]. Given this background, the FRA has

[96]The major factor that determines creation of a separate household in a village is the availability of homestead land, financial resources and community labour.

Table 7.2: Profile of FRA title-holders

Factors	**Type**	**Households (in %)**
Tribal Identity	Kondha	64.80
	Paraja	23.40
	Gadaba	11.70
Head of the Household	Male	83.60
	Female	16.40
Marital status of title owner	Married	79.70
	Single	1.50
	Widow	16.40
	Widower	2.30
Family type *NR = 1	Nuclear	69.50
	Joint	29.70
Age	18-25 years	5.40
	26- 35 years	16.40
	36- 45 years	42.90
	46-55 years	21.80
	>55 years	13.28
Household size *NR = 1	1-3 persons	18.90
	4-6 persons	34.60
	6-8 persons	40.15
	>8 persons	6.29
Highest Education of any House member *NR = 2	High school	7.10
	Secondary school	27.80
	Primary school	34.95
	None	30.10

*NR : # of title holders who gave no response.

acted as a means for households to ensure that their young generation retains ownership of some part of their upland farms.

7.2 Securing Uplands through FRA

7.2.1 Gopa's Upland Plans

Gopa, his wife, two children and his extended family cultivate 7.00 acre of rain-fed land. Record of Rights (RoR) for this land was prepared in the 1980s in the name his grandfather. In addition, his grandfather's family also practiced *Podu* on 10 or 11.00 acre of

uplands which was not recorded. Gopa shares the family's rain-fed land with his seven cousins (see his family genealogy in Figure 7.1). Officially the land is not divided yet[97], but Gopa cultivates 1.66 acre of this farmland, which he takes as his share.

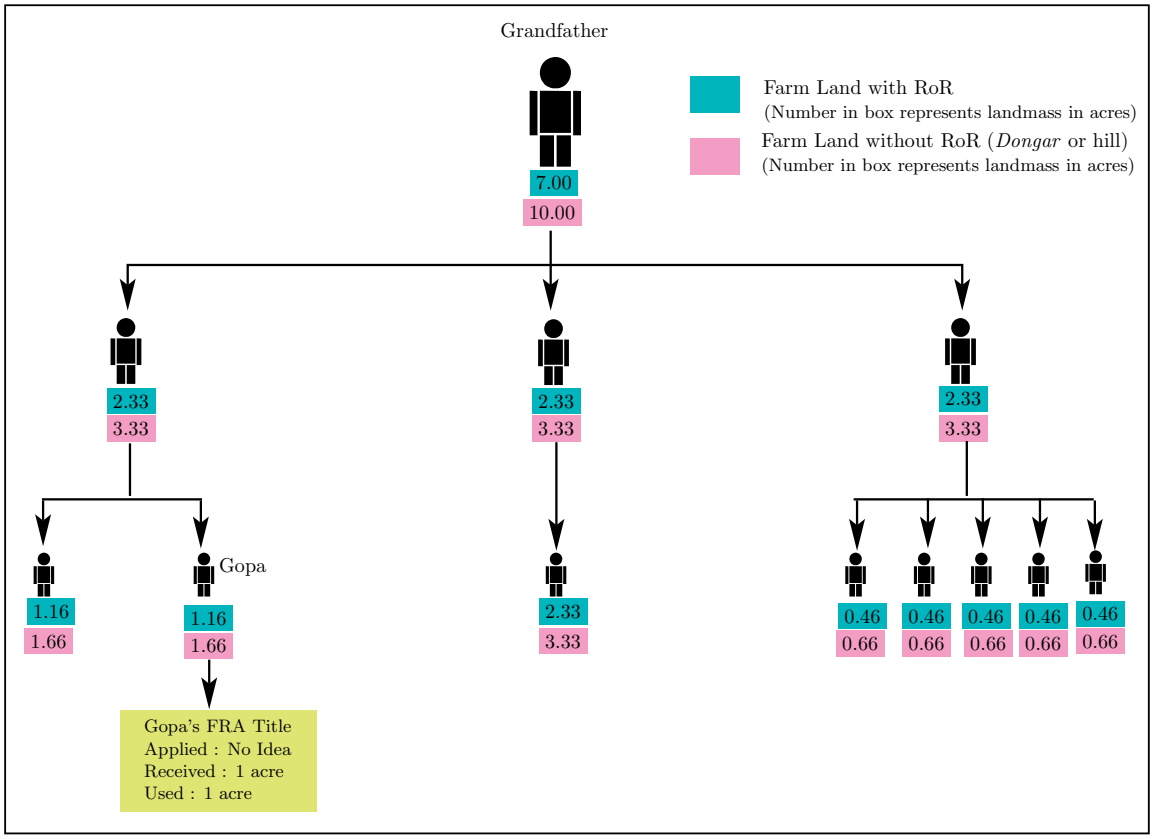


Figure 7.1: Family genealogy and land inheritance

He uses an additional 1.00 acre of upland to grow millets. In 2009, he came to know that GoO will give land titles for their *dongar* lands. Along with other villagers he provided his details to the *Sarpanch*. Gopa received his FRA title in January of 2014 for 1.00 acre of land. His title mentioned that this land is in a Jungle Block. He was not sure if he had received this title for his upland, as he was not familiar with the term Jungle Block. His upland was neither surveyed now demarcated, so he was not sure if the land mentioned in the title is the same land. On the other hand, his other cousins had also applied for FRA titles, but they did not get titles. The other side of the fact is that Gopa's landholding is insufficient to meet his household's food needs, therefore,

[97]In the study villages it was normal for families to not to go for mutations in family RoR. Only in the case of a dispute a family would approach the RI for help. Applying for RoR and the land partitioning process involved cost, time and visits to government offices which many tribal were unwilling or unable to afford.

he worked as a daily wage labour in a nearby factory. In last two years Gopa cultivated finger millets and little millets on his upland farm and with a title on his side he wished to plant some Eucalyptus trees on that parcel [HHS-003, 2014].

Gopa's case represents the general circumstances of many young tribal farmers in these villages. Marginal landholdings, insecure uplands and lack of information on FRA are rather a norm; on a brighter side. possession of a FRA title has encouraged them to plan for a better use of their lands.

7.2.2 A Father's Strategy

Another illustrative case comes from Dumri[98], which is a small hamlet with 30 households, all belonging to the *Paraja* tribes. Only seven houses have RoR for their private farmlands. The village is located on the top of a hill therefore, cultivable land is in short supply. As a result, every household depends heavily on their surrounding forest lands or *dongar* to meet their food needs [GD-14, 2014]. When FRA was announced in 2008 it provided a good opportunity for villagers to get titles for some of their *dongar* lands. Doil was an unmarried, 16 years old young man. He along with his father made individual claims for 3 acre of *dongar* land each. They both received their FRA titles in 2012, thus securing 6 acre of *dongar* land. Doil was underage at the time of application, however, his father knew that soon he would need his own land and therefore he ensured that Doil applies for the title as well [HHS-008, 2014].

7.2.3 A Mother's Plan

Another example of how villagers secured their FRA titles is of Sana, a widow and a mother of four daughters. Although her husband died 15 years ago, in 2012 she received a FRA title on her and her husband's name. She doesn't know when her application

[98]Dumri is a remotely located hamlet of a bigger village which is connected to the main village via a 7 km mud tract.

was made and how much land was claimed, but a local boy had made the application on her behalf. She cultivates 2.00 acre of forest land which belonged to her husband. However, after her husband's demise she didn't receive any share in the private titled land of her husband's extended family. In such a case, Sana is happy to receive a title for her forestland and she is planning to secure this land for her youngest daughter by bringing in a resident son-in-law in future [HHS-062, 2014]. Unlike unmarried adult sons in the village, grown up daughters and unmarried single women did not apply for FRA titles (discussed in Section 7.5).

7.2.4 Safeguarding Family Orchard

Another example of the tactic used by claimants in tribal villages is the case of Dambu. He is a young man living with his recently widowed mother. He cultivates 0.62 acre of farmland and 2.00 acre of encroached land. He also uses about 1.5 acre of forestland where his father had raised a mango orchard. When FRA applications were made he and his father applied to get a title for this orchard. In 2012, his father died but a FRA title certificate came on his name for 0.40 acre of forestland. Dambu had also applied for a title but did not receive one. Dambu was hopeful that once he also gets his FRA title, he can secure his whole orchard. However, in the absence of any land survey and demarcation he was not sure know what part of forestland has been secured in FRA. He presumed it for his mango orchard [HHS-009, 2014].

In all four cases, NGO workers and local village youths played an important role in guiding and filling up applications. On occasions, they provided good advice but sometimes they also provided potential claimants with inaccurate information. For instance, in one village, local youths who filled in the FRA applications told everyone that only three acre of forestland could be claimed and therefore every applicant applied for three

acre of land[99]. But when they received their titles every claimant had received a title for one acre of land [GD-14, 2014]. Similarly, in another village, the local NGO worker suggested everyone should apply for 10 acre (as that was the maximum allowance given in the Act). Eventually, none of the applicants in the village received that much land. Most of them received titles for an average of one acre [GD-16, 2014]. This raises the question of whether it really mattered how much land was claimed in these applications. In some villages everyone received titles for an acre of land, irrespective of what is being used and what was applied for. In the village of Bona, many households cultivated more than 3 acre of forestland but they all received titles for less than 1.5 acre. There seems to be no justification as to who would receive how much land and why.

As shown through these examples different tactics were used by claimants to obtain rights over their forest farms. Claimants also ensured that their families could retain forestlands within related households. Access to reliable information played a critical role during the FRA claim-making years. Whenever accurate information was available (through the village youths or NGO workers or teachers) claimants have gone ahead and used that information to make successful applications. As the claim making process was led by a few Government Officers and NGO staff, the ground awareness of FRA was insignificant. However, as the Act has progressed in the District, awareness raising activities have increased and new claimants know a lot more than those who had applied in 2008-09 [Interview-21, 2014, Interview-32, 2014].

7.3 Some Emerging Trends

A finer look at the village-level FRA data from the 30 sample villages brings out some important Koraput-specific trends. The first data trend concerns the average size of forest-

[99]When I was conducting my surveys in this village people came to know that under the Act there was never a limit of 3 acre and they could have applied for all the land (not more than 10 acre) that they were cultivating. Households were disappointed at the misinformation they had received in 2008/09. Except for the local NGO people, no government agent related to FRA has visited this village except for a RI who came to have a look at the village land [GD-14, 2014].

land allotments received against the distance of the village from its Block Headquarters. Table 7.3 shows that the further the village is from the headquarters, the larger is the land villagers have received in FRA titles. One of the logic behind this could be, that remotely located tribal villages are generally small and farmers tend to cultivate larger forestland as access is never a problem; unlike in villages which are located nearer and the pressure on land is higher due to higher vigilance.

Block headquarters are the points where the government machinery for FRA including the offices of the PEO, WEO, BDO, Tehsils and Forest are concentrated. Distance between village and government offices pose a two-way challenge, as mobility issues tend to deter follow ups by claimants as well as it deters officers from visiting such villages.

Table 7.3: Distance of village and size of FRA allotments

Distance from block Headquarters (in km)	**# of Villages**	**Average area under FRA titles (in acre)**
0-5	6	1.10
6-10	7	1.34
11-20	6	1.47
21-40	5	1.88
>41	4	1.72

With increasing awareness and accountability, recent FRA applications are scrutinized at multiple stages and this could help reduce the subjectivity of allocations done by single officers (as happened in the early years of application) and it may be that in another couple of years that a better distance to forest allotment results can emerge.

Another noticeable trend that emerged from village data is that the average FRA allotment size in villages situated next to good roads (large tar-metal roads) is less than the villages located on bad roads (gravel and mud). Table 7.4 shows that as road conditions improved from the mud and gravel tracks to metalled roads, the average FRA allotment size fell by 38%. Poor roads could be a reason for difficultly in access leading to the remoteness of a villages. Distance and the state of the road together are important factors in analysing the relationship between distance and forestland allotment.

Data also clearly revealed that the average FRA forestland allocations are higher

Table 7.4: Road access and size of FRA allotments

Connectivity	**Villages (as % of Sample)**	**Average FRA allotment (in acre)**
Mud and Gravel Road	22	1.86
Concrete/Cement Roads	41	1.34
Large tar-metal roads	37	1.15

in the villages associated with insurgent activities. 32% of the sample villages had some experience of insurgency and claimants in these villages had received titles for an average of 1.78 acre. Comparatively, claimants from villages that are not associated with insurgency have only received 1.18 acre of forestland. Thus, claimants in peaceful villages secured 33% less land under FRA. This is an important indicator because many Government Officers mentioned that the fear of insurgency makes it impossible for them to visit villages to conduct any monitoring or verification work [Interview-07, 2014, Interview-65, 2014, Interview-45, 2014].

In a few cases higher allotment was apparently made to claimants on the grounds of land compensation. Pakha is a small village with nine households. Although the village is in a relatively well-connected until the last miles it is cut-off from the rest of the Block by a local river. It is surrounded by water on its three sides and every year villages loses some part of its land to the river. Villagers had asked the RD to compensate them for their lost lands. All households are on the list of landless farmers maintained by the government records. Under FRA each of these households have received title for more than 4 acre of forest land. Recipients were not sure if they would use all four acres as the land on high slopes is not suitable for farming [GD-32, 2014].

7.4 Land Struggles of Koraput and FRA

Unlike many other forested regions of India where the history of forest struggles had a direct bearing on the forest-dwellers, FD and associated forest movements [Guha and Gadgil, 1989, Sivaramakrishnan, 1999], Koraput had an additional source of underlying

unrest for its land struggles. This unrest started in the 1960s when some major hydro-developmental projects (on Indravati and Kolab river systems), a migrant resettlement project (Dandakaranya project to accommodate Bangladeshi war migrants), mining plants (for NALCO and Utkal Alumina) and defence engineering (Hindustan Aeronautics Ltd) companies were given tribal lands without adequately rehabilitating and compensating farmers for their lost lands [Kumar, 2006]. This coupled with the long-term alienation of tribes from their lands due to the usurping of tribal land by non-tribal people on a large scale in the colonial and post-colonial eras [Mearns and Sinha, 1999], added to the intensity of this unrest. Grievances surrounding the injustice caused by land uptake in the name of development assisted the spread of Left-Wing Extremism in the region[100].

In the 30 villages, there were no cases where farmers/inhabitants complained of major harassment or eviction by the FD. However, there were a few instances, where in the past some households had been charged with offences cases for destroying plantations raised by the FD. Many households confessed to bribing local Revenue Officers in the past to continue their use of encroached land. These officers during their regular visits to villages had asked for money or in-kind payments in exchange for completing villagers' land tax related paperwork or registering cases for encroachment of government land [GD-05, 2014, GD-07, 2014]. Only a few old farmers could recall of bribing and providing unpaid labour services to FD in yesteryears [GD-05, 2014, GD-18, 2014] .

7.4.1 Encroachers to Right Holders

The forest history of Koraput, as discussed in Chapter 5, showed how the traditional forest land occupied by tribes were categorised as encroachment with the advent of forest legislation. There are numerous critical points in the history that contributed to the historic injustice towards the forest-dweller's occupation of land i Koraput. [Springate-Baginski et al., 2009, Kumar and Kerr, 2012] have discussed that FRA can undo some of

[100] http://www.thehindu.com/todays-paper/tp-national/tp-otherstates/naxals-not-involved-in-narayanpatna-land-struggle/article237467.ece

this historic injustice in the years to come. In study region, one of such cases came into light.

Ghoda is a *Kondha* village with some new and some old settlements. The main habitation is known as Pana but at some point, during the colonial period, *Kondha* people from a nearby district moved in and started a new hamlet which is now known as Tika. There was no conflict from this relocation as the new settlers came from a village which shared marital relationships with Pana. Village RoR shows that Ghoda has 16.27 acre of uplands and 4.68 acre of paddy lands, these are in the names of 32 households of Pana. In 2014, there were 30 houses in Tika and some 12 households had set up houses in the middle of a field as a separate settlement. Government record shows that these 42 households are landless. RoR also shows that 50.20 acre of cultivable highland of the village belongs to a non-tribal money lender and most of the inhabitants of the two hamlets work as share-croppers for this money lender. Similarly, the homestead land is in short supply and only two families have titles for their homes (totalling 0.22 acre). Remaining households have built houses on government land without any tenure security.

The village has 55.14 acre of revenue forestland and is surrounded by a RF on one side and a PF on another. So, forestland is the only kind of land that is available for the people of Ghoda to use. The RF and PF were notified in the late 1970s. In those years, a group of villagers started cultivating land inside the RF away from the eyes of the FD. Over the years, more people started cultivating land inside the RF. There was no road to connect the RF to Ghoda, so some of these tribal farmers decided to stay inside the RF and continue cultivation. Slowly the camp of farmers, took the form of a hamlet which came to be known as Rumb in surrounding villages.

In 1992, FD came to know of this habitation and declared Rumb an encroachment on RF. They filed encroachment cases against all the farmers. However, nothing happened thereafter. Rumb is still there with 16 households living on government forestland. The *Tehsil* which maintains an updated records of all villages does not recognise Rumb as a hamlet, however villagers of Ghoda regularly call the people of Rumb to to participate in

various *Gram Sabha* events.

Things changed with the arrival of the FRA and some households from Rumb were successful in getting their Caste Certificate as *Kondha* ST. With the help of a village boy in Pana they applied for FRA titles. In 2011, eight households of Rumb received FRA titles. The land approved for them is not in the RF but in a Jungle Block. Since the receipt of FRA titles these families have also started getting subsidised rice (under government's food security scheme) at Ghoda. Whether this new change will bring about official recognition to Rumb remains to be seen, but in the coming years, the consolidation of FRA titles and land may help to create a legal space for Rumb's inhabitants to demand more rights and civic facilities ([GD-30, 2014, Interview-37, 2014, FGD-03, 2014]).

7.4.2 Different types of lands settled under FRA

In household survey it was found out that forestland of different legal and topographical types has been recognised under FRA. Table 7.5 summarises the findings from the survey. About 78.9% of the total titles are settled in Jungle Blocks, 15.99% in hills (as *Dongar* or *Pahada*) and 2.52% in Village Forests. Only 2.55% of FRA titles have gone in RF. This raises questions regarding the legal nature of these forestlands and their significance in broader debates on forestland management.

In Koraput more than 75% of forestland is under the control of the RD and Table 7.5 also reveals that the land being settled under FRA is not the land controlled by FD. The first question here is, if there was a need to use FRA to settle revenue-controlled lands? This could have been done using laws for revenue land settlement and not FRA. The other thing is, that a very small percentage of RF land has also been settled. When I questioned the local forest officers about it, one denied the possibility of RF inclusion in FRA *as far as I am aware, RF land has not been settled in my Range* [Interview-37, 2014]. Other officer also mentioned, *I do not have updated information about inclusion of RF lands in the list of allotment made under FRA* [Interview-36, 2014]. Similarly, when the data was

Table 7.5: Types of legal forestlands settled under individual titles

Block/Forest Type	**Jungle Block****	**Village Forest****	**Hill Land*****	**Reserve Forest***	**Total titles**
Block A	65.90%	8.70%	25.26%	-	1,773
(65 villages)	1,490.1 acre	88.8 acre	694.9 acre	-	2,273.8 acre
Block B	100%	-	-	-	839
(57 villages)	1,636.7 acre	-	-	-	1,636.7 acre
Block C	83.84%	0.50%	15.60%	-	2,613
(50 villages)	3,706.4 acre	14.4 acre	829.8 acre	-	4,550.5 acre
Block D	73.69%	-	14.58%	11.70%	1,460
(41 villages)	1,424.4 acre	-	191.0 acre	288.3 acre	1,903.7 acre
Total	78.90%	2.52%	15.99%	2.55%	6685
	8,257.6 acre	103.2 acre	1,715.7 acre	288.3 acre	10,364.7 acre

* Forest land, ** A part revenue and apart forestland, ***Non-forest land (ITDA Koraput 2014)

shown to the highest-ranking officer in the Division he too expressed lack of knowledge that RF land has been allotted, he said, *it is wrong if they (Collectors Office) have settled RF lands without our knowledge, they do not have rights to deal with it* [Interview-06, 2014]. According to their understanding, rights on every other kind of forestland can be settled under the FRA but not in RF, PF or UF. This is a clear indication that there is a lack of understanding in the staff of FD about the scope of settling rights in RF/PF under FRA.

7.4.3 Seasonal Land Encroachment of Wastelands and FRA

Over the years the term *Anabadi* (cultivable/non-cultivable wastelands) has become associated with government land encroached by villagers in both local and official parlance. Many villagers in Koraput seem to have localised this terminology and they use the word *Anabadi Jami* to refer to government land in their village that is being used but for which there is no title [GD-18, 2014]. Table 7.6 shows the extent of *Anabadi* land being used by surveyed households. Unlike the use of forestland belonging to the FD the RD owned *Anabadi* land is not considered off-limits by many people in these villages.

Table 7.6: Households using *Anabadi* land

Land Size (in acre)	**Number of Households (in %)**	**Avg. Area (in acre)**
0.01- 0.50	31.34	0.31
0.51-1.00	23.88	0.89
1.01-2.00	17.9	1.9
2.01-3.00	8.9	2.89
3.01-5.00	16.42	3.87
Total	52.34% of the sample size	-

Section 5.5.4 of this thesis has discussed that during survey and settlement operations in Koraput, local forest areas in some villages were recorded under *Anabadi*. Any unauthorised use of this land is registered by *Tehsils* as a case of encroachment of government land, still, in study villages more than half of the research respondents (52%) had access to *Anabadi* land. These *Anabadi* lands are widely being utilised by FRA title-holders to grow traditional grains, oil seeds and vegetables. Locally, in some villages these lands are also referred as *'Dongar'* or *'Jungle'* lands which translate into hilly land and forest land respectively. The key point here is that the traditional operational understanding of land and the term does not necessarily correspond with the official land classification. The dual existence of formal and informal use of land and its local classification has created confusion for FRA land settlement in Koraput and elsewhere [Interview-48, 2014, Interview-57, 2014].

Another feature of the existing land classification arrangement that has created an immense confusion for FRA is the sub-classification of land as as 'forest type' *(Jungle Kissam)* or 'revenue type'*(Rajswa Kissam)*. These were introduced in the land recording system in 1980 due to arrival of the FCA. It added a new dimension over the existing classification of revenue land (as common lands, government lands, hills and waste lands) [Patnaik, 2008b]. The situation in Koraput is that any land which appears to be forest-like (with tree cover or a forest-like setting) needs to be verified with government-held records to confirm its *Kissam* as forest type [Interview-48, 2014]. Numerous government communications concerning forestland diversion for non-forestry purposes, and

those concerning eligibility of land under FRA (between 2005 and 2014) have highlighted how confusing this *Kissam* system could be[101]. For FRA, at present, if a land is not listed as *(Jungle Kissam)* then it is not being considered as forestland. However, going by the FRA specifications there is no restriction in settling *(Jungle Kissam)* forestland if the claims made are genuine.

Coming back to the understanding of encroachment in study villages, encroachment by tribal farmers is not seen as a severe criminal action by local land officers. However, the land office does maintain a register of such offenders. In the *Tehsil* of Block-A some 1700 encroachment cases were registered for the year 2013-14. In discussions held with the land officer, it became clear that most of these cases belonged to local farmers. He clarified that, *encroachments in his region are mostly seasonal taking place in the rainy months and winters. During the Monsoon rains tribal marginal farmers occupy government lands and cultivate crops. These temporary fields are then abandoned for the rest of the year. If these farmers are not discouraged they come back to the same land every year* [Interview-65, 2014]. As a result, the *Tehsil* Officers consider these as acts of temporary encroachment on government land and take an accommodative stance on such encroachment [Interview-11, 2014].

While explaining the process of registering cases against farmers, a *Tehsil* Officer explained that, *"local Revenue Inspectors visit villages in the months of June and September every year and take note (in their registers) of occupiers who are found cultivating government land. They do not charge them any penalty but do tell them to leave the land once they have harvested all their crops. As a follow up, in December and January (end of monsoon farming season)* Tehsils *prepare and serve an eviction notice to these occupiers. Thereafter, their names are taken off the encroachment list for that year. So, at the end of each Revenue year, these temporarily occupied lands won't show up as encroached"* [Interview-13, 2014]. When these villagers come to Revenue Office or when the

[101] As a matter of fact, revenue-held land dating from before the arrival of the FCA on 25th of October 1980 are known as *Sabik Khata* (pre-1980 land records) while those afterwards are known as *Hal Khata* (post-1980 land records). Both records must be verified to finalise the status of any land as forestland or revenue land.

local Revenue Inspector visits them at the time of tax collection in December-March, they are charged fines for the temporary occupation of government land alongside the regular taxes for their other private lands [Interview-65, 2014]. This is an annual routine in these villages. When survey respondents were asked about any eviction notices, none of them knew anything about them.

This means that in such cases a farmer could cultivate an encroached land for many years with the knowledge of the RI, but the land is only shown as temporarily occupied. Thus, by adopting this strategy, first, the Revenue Office makes sure that permanent occupation of these lands never takes place, as the record of eviction notices signifies that the farmer could never legally prove continuous occupation of on such lands[102]. Second, these farmers can still have access to some additional farmland. This system reflects the fact that *Tehsils* maintain a peaceful relationship with farmers in the area whilst simultaneously meeting their legal requirements of reporting on land encroachment to the State.

In Block A, most of these cases were continuing old cases with some farmers having been using encroached lands for more than 15 years[103]. This register also serves as documentary evidence for Revenue Officers when there is a need to decide about giving land to a landless farmer under land distribution programs [GD-36, 2014].

On the other hand, the FD in Koraput had kept a clean record of encroachments on forestland and maintains that since 2004 there have been no encroachments in the Forest Division. The DFO mentioned that, *"after the FRA was enacted, many people started approaching his office asking for their record as encroachers so that they could use that as an evidence to justify their claim on forestland"* [Interview-07, 2014]. Thereafter, Forest Headquarters in Bhubaneswar issued orders to the Divisions to stop filing cases against

[102]Under the Orissa Government Land Settlement Act (OGLSA), if a landless farmer or a marginal farmer is in continuous occupation of any government land for 12 years, he/she can approach court for the regularisation of land on his/her name.

[103]I was not permitted to take information about these cases as the Revenue Officers did not want this information to get out. Getting access to the encroachment register itself was a long task. However, the Revenue Officers who agreed to be interviewed were open about the state of affairs and their challenges.

forest encroachers and rather use other persuasive methods to discourage encroachments from occurring in FD lands [Interview-66, 2014].

7.4.4 Landlessness, Encroachment and FRA

Palsu's is a landless household. In 2011 Palsu received a title for 0.02 acre for homestead under a governmental scheme. This land earlier belonged to the Gramkantha Poramboke (GKP) classification of lands[104]. Thereafter, he received a FRA title for 2.00 acre of forestland, which he had been cultivating for many years. In the *Tehsils'* record, Palsu is listed as a landless farmer and thus in a short span of time, land rights were formalised for him. However, Palsu has a large family with three sons and two daughters and to meet their food needs, he and his sons, started cultivating 4.00 acre of *Anabadi* land in his village. In the past, Palsu had discussed his chances of getting title over this land with a local RI. He also met the officers in the Block to ask for land titles for the forestland. In his words, *"when I approached the RI, he said that I would have to wait for many years to get land from the Government. So instead, he suggested me to pay a small fine every year and keep farming on* Anabadi *land"* [HHS-012, 2014]. However, when the FRA was announced the same RI and the *Sarpanch* helped him to get title over his forestland. In this case, Palsu didn't have to pay anything but he invested time in going around the departments as a landless farmer. But with FRA land against his name Palsu is no longer listed as a landless farmer and this might change the accommodating attitude of the RI over his use of *Anabadi* land in the future.

The household survey showed that 17% of the respondents had no titles for their homestead lands and 14% of them were without any farmland titles, except for the newly received titles for forestland. In government's rural terminology, a person without any farmland or homestead title is known as an absolutely landless person. In Government's tribal welfare programs like the Odisha Tribal Empowerment and Livelihood Project

[104] An ongoing program on right to homestead land by GoO, provides title amounting 0.01 or 0.02 acre of land from the GKP (Gramkantho Poramboke) land where constructed functional homesteads exists without a title in tribal areas.

(OTELP), absolutely landless people are given priority in land allotments or development programs, including FRA. Another fact from the region is that most of these households have recently received titles for their homesteads lands. Plus *"with FRA in place many farmers who were earlier listed as landless are taken off the list as soon as they get land titles under FRA"* [Interview-25, 2014]. This lowers the statistics of landlessness thus showing a good performance of the Department [Interview-64, 2014]. Thus the Revenue Department has an inherent interest in FRA. If this understanding holds good, then there are clear incentives for a landless farmer to build a relationship with Revenue Officers to gain improved chances of success in a FRA claim. Although data is not sufficient to point out a clear linkage, OTELP's landlessness data for some sample villages clearly indicated that many landless farmers were proposed to be taken off the Government list because they had received FRA titles [Interview-67, 2014]. Inter-departmental dynamics behind the FRA (discussed in Section 6.6.4) has certainly made this convenient. With 75% of forestland under the RD control it is apparent that in the last 8 years of implementation, the primary objective of the department (to reduce landlessness) has in a way benefited from FRA settlements.

Another typical feature of tribal villages in the study region is that the village Record of Rights (RoR)[105] has not been updated for years. The last village records including household RoR were prepared after the settlement of 1966. So, the situation on the ground is such that in the village of Barah only 7 land titles exist for its 58 households. Similarly, in Dumri for 30 households only 2 land titles are in existence. Regular updates of RoR are only done by the local RI in cases where a formal request for mutation or partition of property is received by the *Tehsil*. Often, tribal households do not approach *Tehsils* for family land partitioning as it is perceived as an expensive process [Interview-11, 2014].

In Table 7.7, I have summarised the status of land titles for farm, forest and home-

[105] A village's revenue records include a *Khewat* (showing the character and extent of proprietary interests and may also show the particulars of other rent receiving interest) and *Khatian* (show proprietary details as may be prescribed) and Individual Titles.

stead land as it emerged in the survey. The shortage of cultivable flat land pushes households to farm on hills and slopes and the quality of hill farms is very poor and therefore can't sustain continuous production for more than 2 or 3 years [Interview-68, 2014]. The situation pushes tribal farmers to look for alternate parcels of land to cultivate. The survey results have shown the use of government land is high in the study area with 52% household accessing such alternate farms.

Table 7.7: Land Status of surveyed households

Land type type	**With (in %)**	**Without (in %)**	**Land Recv'd (in acre)**
Homestead	82.6	17.32	0.04
Farm Land	85.82	14.96	2.26
FRA	100	0	1.66

7.4.4.1 Penalty and Cess

Sadhu cultivates 4.00 acre of land for which he has no title. He shared that *"my father carved out this land for paddy cultivation when I was very young, I don't remember what year that was. Every year, I pay ₹50 to the RI so that I can cultivate this land without any problem"* [HHS111, 2014]. On examination, his land cess-receipt showed that for the year 2014-15, he was charged ₹11 as a penalty for encroaching government land which was listed as cultivable wasteland. A discussion with the RI made it clear that Sadhu was being charged for all the other taxes that he was supposed to pay including land cess (for his private land, orchard and another piece of land that his father had purchased in 2007), water cess for his newly titled homestead land and a very nominal forest cess [Interview-11, 2014]. In words of Sadhu *"I don't understand taxes or numbers, but I know that this paddy land belongs to me even without a title and other villagers knows that clearly"* [HHS111, 2014]. He did not knew that he was continuously paying a penalty to cultivate the 4.00 acre of encroached paddy land and ₹50 was his overall tax for all his lands and services,

without knowing any details of it[106].

7.4.4.2 RF and Paddy Cultivation

Padam inherited 0.32 acre of rain-fed farm as his share from his family. His grandfather (before the settlement took place) converted 4.00 acre of government land (a part of which was later declared a RF) into three paddy farms. Padam has 0.80 acre of this paddy land and he cultivates it every year. He need not pay any penalty for this land, but he pays cess for his other farm land. In government records Padam was a landless and homestead less farmer. In 2011, he received a FRA title for 1.00 acre of forestland and in 2013, a title for 0.02 acre of homestead land. Padma was not in the village the day FRA forms were filled and he wasn't sure if he had received this title for his paddy land in RF or the other upland that he occasionally cultivates. His FRA title mentions that the title is in a Jungle Block and not in RF. Padam was not worried about this information, as neither the RD nor the FD, had ever objected to his use of RF land [HHS121, 2014].

7.4.4.3 Old Age

Meera is a childless widow and lives with her elderly mother-in-law. They both live in a house for which she received a homestead title on her husband's name in 2005 (her husband died in 2001). She used to cultivate 0.25 acre of paddy land, which belonged to her husband's great-grandfather. Due to her old age she had to discontinue farming and thereafter, she believed that her brother-in-law started using that paddy land. Her major concern is about 2.25 acre of encroached land that her husband had developed into a paddy farm. Every two or three years, she pays a penalty of ₹101 for this land but she is not using that land any more. In 2011, she received a FRA title for 2.00 acre of forestland. Next year a local NGO helped her in planting cashew trees on this land so

[106]Revenue Inspectors in some villages had also charged ₹5 or ₹10 per household to handle all the paper work for the household. This money is never shown on receipts but as the RI stays in the village for a day during such rent-collection camps [Interview-11, 2014] I have no reason to doubt additional unofficial service charges are being levied on uneducated tribal villagers.

that it could generate some income. Meera wants one of her nephew (brother-in-law's son) to inherit this forestland and encroached paddy land [HHS88, 2014].

7.5 Women and FRA Lands

FRA has created a legal space for forest-dwelling women to establish rights on forestland. Section 4 of the Act specifies that *"FRA land shall be registered jointly in the names of both the spouses in case of married persons; and in the name of the single head in the case of a household headed by a single person"* [MoTA, 2014]; which means that married women are named on land titles as owners. Even if a woman is not married or is widowed or lives by herself as a household, she is eligible to claim some of her family's forestland. This is a major shift from the existing system of land record-keeping which tends to register land only to the male's lineage.

In FRA provisions are made to ensure that women are represented across FRA institutions. This has been done by reserving a minimum representation of women in various FRA bodies (see Table 7.8).

Table 7.8: Women in FRA Institutions

Institutions	**Total Members**	**Women**
Gram Sabha (GS)	All adults	50%
Forest Right Committee (FRC)	10-15	at least 3
Sub-Divisional Level Committee (SDLC)	6	at least 1
Division Level Committee (DLC)	6	at least 1
State level Monitoring Committee (SLMC)	6	at least 1

In the early years of FRA, the process outlined in the Act was not followed in Koraput and therefore the analysis of women's participation became irrelevant [Interview-38, 2014]. In words of a women professional who worked on issues of gender in the early years of FRA *"the awareness and participation of female or even males in the villages during the times when FRA applications were collected was meaningless as applicants were clueless about the need to provide information on their forestland use"* [Interview-40, 2014]. Block-

level data shows that about 15% of FRA individual titles have gone to female-headed households [ITDA, 2014]. In households survey 16.4% were women-headed households, incidentally, all widows.

7.5.1 Knowledge of FRA, Title Certificates and Joint Titles

Most male and female respondents in the study villagers were not involved in the FRA claim making process and women in particular were found to have almost no knowledge of the process. Most were not informed of the visits made by the local RI or the school teacher, and even those women who have received FRA titles, did not provide their details when their applications were filed; instead, those were provided by some other men from their village. Out of 16 female-headed households, 14 were unaware of the process of applying for FRA titles. Some of the titles just contained the name of the widow but a majority contained the names of their dead husbands as well. However, all of them had their names written as the first entry in the title certificate. Many households in the survey perceived that the ownership of the title is based on whose names appear first on the title documents and therefore they saw their wives names rather as a dependent and not as a title-holder. A woman said *"I identify the land title document in my house due to its green color, rest, I don't know what's written on it, I can't read"* [HHS-081, 2014a]. Household members were used to seeing men's name on their family RoR and women and children only as dependants; therefore, many where unaware of the nature of FRA title documents [FGD-04,]. The household survey further revealed that 77.34% of title-holding households were unaware that their FRA titles were joint titles. When I pointed out the presence of women's names on household's FRA titles, this was greeted with surprise by many female title-holders. On the other hand, their husbands, meanwhile, expressed some anxiety at the discovery that they had joint FRA titles with their wives rather than with their brothers or uncles[107] [GD-18, 2014]. One such husband said, *"Government is*

[107]Many villagers were familiar with the concept of joint land titles as they had seen title from their grandparents and parents which were often named along the male line in the family. Having a woman's name on the title was not expected.

doing so many new things now-a-days, giving farm-land Patta *on women's name much be a good thing"* [FGD-04,].

High illiteracy rates (92%) amongst the sample households, lay at the root of their inability to read basic information provided with each title certificate. Further discussion on this topic revealed that most of the married women had assumed that as forestland title being a land title it must be solely in their husband's names. The only exceptions to this were widows, as there was some awareness that they had received forestland titles in their names. Questions about the terms and conditions of the use of FRA-lands, including inalienability and non-transferability, were met with a no-response, as no female respondent was aware of it, and only a handful of male respondents (9 of 128) knew about these conditions.

About women's participation in FRA-related activities, out of the 16 women-headed households, only 3 had attended the meeting called by the school teacher and the RI in 2009-10. Overall 13 women (from 128 households) mentioned that they had attended some or other meetings or training on forest rights and related matters that were organised by local NGOs.

Overall, women title owners mentioned that whenever RI comes over to village, they wouldn't discuss FRA or any other land-related matters with them, *"RI comes and talks to a couple of powerful people in the village and leave. If my husband attends some of these meetings he sometimes tells me about them, otherwise I don't ask"* [FGD-05, 2014]. A local government officer said that, *"..in Koraput, land documentation is essentially seen as a male dominion and it's uncommon for tribal women to directly deal with land-related papers unless there is a family emergency"* [Interview-23, 2014]. Similarly, a village woman mentioned that *"as I am uneducated it would feel uncomfortable approaching the Revenue Inspector, often I don't understand much about what they say and that makes me feel underconfident"* [FGD-05, 2014]. The only exceptions to the norm were the households where women must to go and pay land rents in the *Tehsils* by themselves, when there are no adult male members in the house. Women mentioned that if there is a need and no one

is there in their village to help, they can always go to Block Office or *Tehsils* [FGD-05, 2014].

Other than the FRA, the Odisha Government has also released joint titles for homestead-land in other programs[108].Therefore, many households were generally comfortable with the idea of joint titles for homestead land. However, they were not aware of the condition that the FRA land title was also a joint title. I questioned them about their views on farm land titles (including FRA lands) to be jointly-titled on the names of husband and wife. About 20.3% of couples agreed that having joint titles for their private or forestland was a good development. Many respondents (more than 75%) could not articulate their thoughts on the rights of women to land. Only a small fraction of men 2% disapproved of the inclusion of women's names to land titles. One of them said *"giving land to a women can create numerous marital disputes in our household's, it won't suit our tribal society"* [GD-21,].

These discussions were upgraded a step further and some respondents were asked about their thoughts on the need to include names of women on land records. Many older respondents saw this as a response to the changing times, *"Girls are going to schools and they also go out to do jobs, they are in no way less than boys in confidence, it will be time soon when they might ask for their share in farm lands"* [HHS-081, 2014b]. The younger generation felt that if there is no dispute over land then having land title on the names of wives can be a good thing for their household security. A young couple said, *"I spend many months in other States to look for wage work, if my wife has her name on our land documents, she can look after it in my absence"* [HHS-074, 2014]. Many men expressed their views on women and land without any reluctance however women and young girls were shy and hesitant to express their views. Many women accepted they work more on forestlands but had not given thought to getting their names on land titles. Rupa commented that *"women work on land but don't get titles over it, as our tribal system is like that"* [HHS-087, 2014]. This single statement captured the essence of my discussion

[108]Under OTELP and the Mo Jami Jo Diha (my land my homestead) program in Koraput

with women in these villages. In female-headed households seven out of 21 supported the idea of registering farmland in women's names. Some of the respondents felt that the discussion on women's land rights was a very new topic for them. One such respondent said *"no body before has asked us such questions. Everything is so new for us we don't know what to say"* (a female respondent in [GD-18, 2014]).

Support for women's ability to farm and manage FRA land came out clearly from many male members. A man argued that *"if a woman can work so hard on farms, she can surely look after the whole farm as well"* [HHS-095, 2014]. Another mentioned that *"if a woman gets a title (land) and starts working on land then others will surely help her"* [HHS-074, 2014]. 17 men rejected the idea of providing joint titles on private farm lands and they gave two reasons for it. First, a woman cannot look after land by herself and, second it will become very complicated when women decide to leave their marriage. Some men also questioned the ability of women to talk to government officers saying it is a *"men talks to Block Development Officers; women do not have a say in such land matters"* [HHS-051, 2014]. An old male respondent pointed out that tribal women lack confidence in dealing with land-related matters, but his statement was immediately challenged by his young daughter-in-law, saying *"educated girls can read and understand land papers, we don't lack in confidence"* [HHS-090, 2014].

7.5.2 Returning Daughters, *Ghar-Jamaai* and FRA

A particularly vulnerable group of women that needs to be discussed are those that got married and went to live in other villages, but later had to return to their maternal villages due to marital discords. These daughters of the village will be called returning daughters for the purpose of this study. Returning daughters constituted the largest section of single women in study villages, for instance, in Mina village there were 10 and in Kebi 15 such daughters. These daughters were dependent on their parents' farms for subsistence and sometimes were also given separate land or a house. Some FRA title holders believed these women should also get titles under FRA [HHS-096, 2014]. When FRA applications

were prepared in study villages, nobody gave a thought about this group of single women. Unmarried men and widowers have successfully made claims under FRA, but most single women did not get a chance [GD-18, 2014]. In one of the case, one woman who was a widow and had lived in her maternal village for the last 16 years. In 2009, when the RI visited her village she approached him to enquire if she could also apply for a land title. The RI put an application for 1.00 acre of forestland in her name. Later she received a title for a forestland and some financial allowance to construct a pukka (brick-built) house for herself [HHS-112, 2014].

In the case of private land, the researcher did not come across any other women who had asked for her rights in property from her family. *"Mahilamanu ko jami deebo nai"* which meant womenfolk are not given land [FGD-05, 2014] was the standard response given by women on question about their claim on farm or forest land. When these women were informed about the ongoing women-related land initiatives (amendments to the Hindu and Special Marriage Act in 2005, National Land Reform Policy (draft) of 2013 and the Women Land Right Project of Odisha); they mentioned that their daughters are getting educated and they might demand land in the future, and then, these new changes will be useful to them [HHS-065, 2014, HHS-068, 2014]. A male respondent also said that in the future daughters will make claims on land and then they won't be able to refuse them [HHS-081, 2014b].

Most of the title-holders were unaware of the fact that FRA land titles are inalienable and non-transferable. When asked who will inherit FRA land in the household only 88 households responded (68% of the total sample). Out of this 59% stated that the FRA land would go to one of their sons, 4.5% said that it would go to their nephews and 13.6% wanted to give their FRA lands to their daughter. About 21.6% replied that they have not given a thought about it. From the 16 female-headed households 10 said they wanted to give their share of land to their sons or nephews, 2 wanted to give it to their daughters and 4 were unsure about it.

Another interesting group in the sample are the *Ghar Jamaai* households. These

are the households where a son-in-law moves to his wife's village or to her parents house. Out of the 128 survey households, there were 7 *Ghar Jamaai* households. In tribal customs, such arrangements are sometimes accompanied by providing a part of the parents' homestead land to the daughter and son-in-law. In a few cases farm land is also given to such couples (just sufficient to grow their food, but ownership rights are never given). However, the most common arrangement is that the couple helps the girl's parents on their farms as family labour and stay without a homestead or farmland. The system benefits parents that have only a daughter to look after them or have large lands to be managed. It ensures availability of farm labour. Men who agrees to become a *Ghar Jamaai* are often sons of landless families who are willing to leave their villages in search of better opportunities. Note 7.1 shows the story of one such couple. In six of the seven *Ghar Jamaai* households, respondents preferred to give FRA forestland titles to their sons, over their daughters or sons-in-law. In such a case, daughters are denied an opportunity to look for her own land-based security (as a married woman she is not given a share in her parental property), which she had before her marriage (as a daughter she can access all land-based properties). The other long-term effect of this system is that the children of such *Ghar Jamaai* couples mostly ends up being landless in their own villages [Interview-11, 2014, Interview-23, 2014].

Note 7.1 : Daughter and the Ghar Jamaai

Mari is the daughter of a landed family. Her four brothers look after her father's 20 acre of land. As the landholding was big and her father wanted additional helping hands, 20 years ago he decided to marry Mari to a landless local man, Gagana, and offered him 0.20 acre of dry land to construct a home and to raise a kitchen garden. Mari and Gagana started working on her father's land as helpers. They were also given independent access to 2 acre of the family's forestland to grow Mandia. Today Sumari and Gagana work for 6 months on their forestland and another 6 as farm labours on her father's land. They have no ownership of these lands as only access was allowed. Mari was concerned about her family's access to farmland when her father dies and if her brothers would allow her to work and take a share from the

farm. Her household is listed as a landless household in the local Revenue records. As a result, in 1999 they received some monetary support to replace their mud house with a concrete house, followed by a title for their 0.02 acre of homestead land in 2012. Additionally, in 2012 they also received a FRA title for 1.00 acre of forestland. This was a big occasion for both. A local NGO helped them in raising a cashew plantation on 2.00 acre of their forest farm (received from her father) and financed them to open a small convenience shop in the village. This all happened as part of a landless welfare programs run by the Government to support landless farmers. In the absence of sufficient land to farm, Mari's family has diversified its income activities by making and selling local rice liquor and raising poultry. Like many in her village they have a Below Poverty Line (BPL) card which enables them to get 35 kg of subsidized rice every month. The couple did not express great anxiety about their status as landless farmers but were concerned about their two sons and their uncertain future in the village [HHS-076, 2014]. The case of Mari is typical of daughters from landed families ending up landless after their marriages in *Ghar Jamaai* system.

7.5.3 Women and Forest Farming on Untitled Uplands/FRA-Lands

More than 70.3% of male respondents mentioned that their wives helped them in managing forest farms. One responded that *"It's not possible to cultivate forestland without a woman"* [HHS-020, 2014b] while another mentioned that most of work on forest farms is done by women of the household (HHS017). Crops grown on these forestlands include Mandia and Suan which are staple foods for tribal household and are unlike the crops raised on the private farms which are grown for selling. In this context, women's association with forest farms is particularly important for household's food needs [Interview-38, 2014].

One of the most important criteria when making decisions about forest-farm cultivation is the availability of sufficient labour in a household. Unlike private farms which are jointly cultivated by other title sharing households; forest farming is done independently with women often investing much of their time in maintaining these farms. Table 7.9 shows an estimate of labour requirement and number of days required to maintain an acre of upland forest farm for a family of four.

Table 7.9: Time and labour demands of Mandia forest farm

Activity	**Days**	**Major Role**
Cleaning and clearing of fallow land	5 to 6	M
Removal of stones or rocks	5 to 6	W
Tilling land with a hoe	6	W, M
Broadcasting Mandia seeds	1	W, C
1^{st} weeding	2 to 3	W
Maintenance of drainage after every rain	When needed	W
2^{nd} Weeding	2 to 3	W
Re-planting (if needed)	1	W
Harvesting of Mandia	2	W, M
Carrying Mandia down to foot hills	0.5	W, C
Planting of oil crop like Suan or Olsi	2	W
Carrying Mandia to house courtyard or common threshing area	0.5	M
Beating Mandia and cleaning grains	3 to 4	W, M
Drying Mandia for and preparing storage	5 to 6	W
Harvesting Olsi/Suan	1	W
Looking after any other vegetable or upland paddy	≥ 10	W

W = Women, M = Men, C = Children

As shown in the table 7.9, men play a limited role in upland forest farms. Instead, they tend to be more involved in the cultivation of crops like spices (ginger, turmeric and chilli) or seasonal vegetables (cauliflower, carrots, egg plants and tomatoes) on private

farm lands. In terms of time spent on FRA farmlands, women devote more time than men on these uplands. Concerning, the issue of drudgery associated with forest farm cultivation, tribal women did not even mention it as a problem. Interestingly, many men (including claimants, government officers, and NGO workers) were quite forthcoming about how hard-working and capable tribal women are in this region. One of them said *"women runs the house in tribal households and men waste their lives on liquor and tobacco"* [Interview-08, 2014]. A social worker said that, *"in Paraja households young boys are married to girls who are much older to them, this ensures that the household will do good as women is consider wiser than men"* [Interview-03, 2014].

7.5.4 Existing Platforms: Women Land Rights in Koraput

In 2013, the GoO started a district-wide project on land rights for single and vulnerable women with assistance from an international organisation. Under this program single independent landless women in villages are to be identified and given titles for micro-plots to grow food crops [Interview-25, 2014]. In these efforts, local facilitation centers have been established in *Tehsils* to cater to the issues of women's land rights [Interview-23, 2014]. Since 2013, the FRA has also benefited from such programs as village-level community health workers and Revenue Inspectors are now being systematically oriented about the significance of women's right to land [Interview-67, 2014].

Another forum for tribal women to come together and discusses issues are the village-based self-help groups (SHG). Many studies have emphasized the positive role that SHGs have played in collectively representing rural women. In the study villages, 48.4% of households their women were members of a SHG. About 27.34% households were never part of any such groups and some 20.3% had left SHGs membership for various reasons; including inability to pay the monthly share, a lack of place in the SHGs or the group becoming defunct. The major use of SHG loans is to buy fertilizers/pesticides and to look after households needs of clothing and education [Interview-45, 2014]. None of these village SHGs were related to land or forest-related products and therefore women don't get

a chance to discuss these issues in their monthly group meetings [FGD-05, 2014, GD-21,].

The other point of information exchange for women in these villages is the village-based *Anganwaadi* (mother and child) health centres. The health centre worker plays a major role in identifying and forwarding names of women eligible to get support from various welfare schemes to the *Panchayat*. These workers have received training on women's land rights, but they were not included in FRA activities, they were found to be unaware of its possibilities [Interview-23, 2014]. The existing Women Land Rights Facilitation Centres in various *Tehsils* could become as a dedicated space for tribal and other rural women to come and discuss their land issues.

Lastly, widows visit the *Panchayat* once every month to collect their Widow Pension (₹300), however, it was observed that social welfare officers do not use this gathering to disseminate information on new policies including FRA [GD-22, 2014], although such monthly gatherings could effectively be turned into a platform for raising awareness on important issues for widows.

7.5.5 Women and Community Forestry Resource Rights in Koraput

A positive development that has happened lately in Koraput is the arrival of awareness about Community Forest Resource Rights (CFRt). Since 2012, the GoO and various Civil Society Organisations have shifted their focus on settlement of CFRt and background work on CFRt is being undertaken in Koraput [Interview-43, 2014, Interview-12, 2014]. In Koraput NGOs have started focussed programs in their project villages to facilitate claim completion and submission [Interview-57, 2014, Interview-48, 2014]. In villages, FRCs are being re-constituted and *Gram Sabhas* sessions are organised to raise awareness about CFRt and initiate the process of claim-making.

The author of this thesis attended a couple of *Gram Sabhas* to observe the process being undertaken for CFRt. It was found out that the process undertaken for CFRt claim making is intensive and women are also being included in it from the very beginning. The representation of women in FRC is being ensured and in *Gram Sabha* the quorum of a minimum of two-third of the members participation in *Gram Sabhas* was being practised. Under the community forestry initiative, efforts are being made, to encourage tribal women to take leadership leadership roles in CFRt management [Interview-40, 2014, Interview-68, 2014].

Overall, at the status of women participation in FRA it can be summarised, that during the settlement of individual rights in Koraput, women largely remained uninvolved in the process. Single unmarried women did not make any FRA claims between 2008-2013. However, applications were made in the names of widows and in the joint titles, the names of the wives are included. For many tribal women having their names on FRA certificate of title came as new information. Interviews revealed that it was mostly male household members who had some level of information about the process and content of the title. However, overall knowledge about the title itself was very limited across both genders.

Given the existing socio-cultural traditions and land inheritance systems in the study villages, it seems likely, at present, that most of these FRA lands will be given to the sons of the household, although growing awareness of the need to consider women's land may in time come to challenge these trends. Village-based institutions like *Anganwadi* and SHGs with good access to tribal women are well placed to raise awareness of FRA and the scope that it offers for women's land rights under both CFRt and the provision of individual rights. This would help to ensure that women are better informed about these schemes as well as wider issues concerning forestland use and management.

Chapter 8

Land-use on FRA Titled Lands

The final objective of the thesis is to investigate the nature and use of FRA forest-farms and uplands which have been settled under FRA. Keeping the interwoven histories of farmland and forestland organization in mind, developing an understanding of the present-day land use realities on these FRA-lands is important. This chapter investigates the post-FRA and pre-FRA use of newly titled lands and the emerging land use preferences of FRA-households.

8.1 FRA-Farms: Size and Status

Tribal farmers who have received FRA titles in Koraput are invariably small or marginal, see Table 8.1. Almost 69% of the survey households had less than 5.00 acre of private farm lands. Almost 15% of the households were landless with no private land. Large farmers with land holding exceeding 5.00 acre were a minority. Many respondents had recently received a title for their homestead lands. However, in the context of informal access to land in the region, functionally every household had access to a farm somewhere, either some private land, encroached government land, or some forestland. The only change now

is that they are getting titles for such lands[109].

Table 8.1: Size of private farms

Category (acre)	**% of House-holds**	**Avg. Area (in acre)**
Marginal (0.01-2.5)	44.0	1.31
Small (2.51-5.00)	25.2	3.67
Large ($\geq$ 5.01)	07.8	7.40
Landless (0.0)	14.9	0.00

Furthermore, these households will move to the lower land brackets in the next generation, as land fragmentation along the line of inheritance is a major reason for functional landlessness in the region[110]. By functional landlessness, it is meant that the household owns land which is insufficient to provide food for six months in a year. In such circumstances, any addition to the land holding of a household can make a significant difference. Therefore, FRA land becomes important not only for the sake of rights but for the sake of improved food-security of a household.

The household survey showed that each household has received an average of 1.55 acre of forestland (see Figure 8.1) and most of the titles range between 0.50 - 3.00 acre in size. These FRA land parcels are yet to be demarcated on ground, so the proof of ownership of this land is restricted to the title certificate. Unless survey and demarcation of FRA plot is conducted, pinpointing these plots on the ground would be difficult. 100% of the title holders knew the location of their upland farms and they assumed that these FRA-plots would overlap with their existing forest farms. On the other hand, government bodies involved in FRA settlement didn't know where these plots were located [Interview-07, 2014, Interview-13, 2014, Interview-12, 2014], but land officers knew the legal nature of lands in and around these villages and so they had knowledge of what kind of land was being settled under FRA [Interview-12, 2014, Interview-40, 2014]. A key issue with FRA lands is that neither the recipients nor the government know the exact plot details of the land. It is being hoped that in the coming years surveying and settling of FRA

[109]Simultaneous processes are underway-recognition of forestland through FRA, recognition of homestead through OTELP, and recognition of encroached lands under OGLSA.

[110]The other bigger reasons are, shortage of flat lands [Behuria, 1966] and taking-over of the tribal lands by non-tribal settlers [Patnaik, 2008b].

land parcels will be undertaken [Interview-13, 2014, Interview-21, 2014, Interview-32, 2014]. The Central and State Governments have already issued guidelines on inclusion of FRA-lands in the Records of Rights of the tenants.

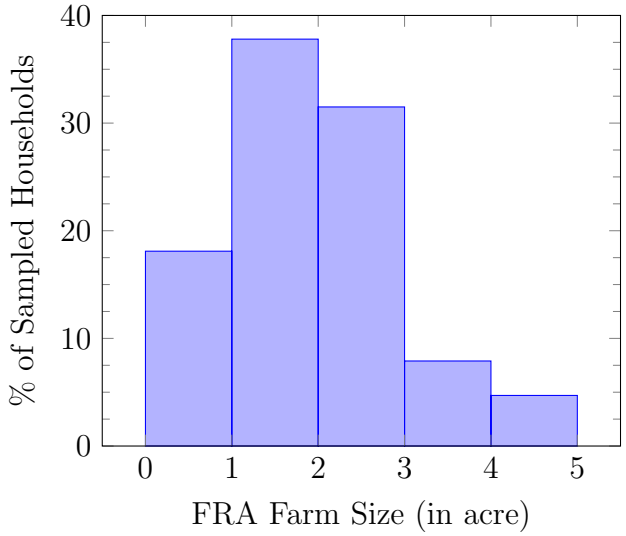


Figure 8.1: Histogram of farm sizes recognized under FRA titles among the sampled households.

8.2 Practices on the FRA Farms

8.2.1 Forest-farming, Plantations and Forest-fallow

About 66% of the title-holding households were actively engaged in cultivating their forest farms. 7% of the respondents had maintained orchards or plantations on these plots and 30.7% had discontinued using them so these farms were lying fallow. Household survey revealed that households which had received forestland titles were genuine users of the land. 79% of the claimants were engaged in cultivating staple food crops like *Mandia, Sua, Olsi*, upland paddy and trees. Of these, 66% cultivated two or three crops on these forest plots (see Table 8.2). Farming forestland is referred as *'dongar chas'* which means cultivating on hills and is different from the practice of *podu chas* or shifting cultivation which dominated this region [UNESCO, 1983, Pati et al., 1984, Mohapatra and Mohapatro, 1997], before 1970s. Shifting cultivation was practised over a larger

terrain but hill-cultivation is restricted to hills.

Table 8.2: Number of crops cultivated on FRA-land

Number of Crops	**Number of Respondents**
0	39
1	24
2	20
3	22
≥ 4	13
Plantation	09

8.2.2 Farming cycle on Forest-farms

Preparatory work on forestland and uplands usually begins in the months of April or May every year and with the onset of Monsoon in June, seeds are broadcasted on cleared uplands. The most important crop on these forest farms is *Mandia* which stays from June until October or November, followed by oil crops including *Suan* and *Olsi* which are sown in October and harvested in January. In between these major crops chilli, mustard and maize are planted as secondary crops [Interview-24, 2014, GD-23, 2014]. Forest-farms are usually mixed-cropped to ensure that if one crop is lost there is at least something else to harvest by the end of the season [Interview-45, 2014]. Major activities involve clearing of land, preparation of land, and regular weeding which is done three times or more, if needed. Maintenance operations during heavy rains are essential and time consuming. Figure 8.2 shows a typical forest-farm with its surrounding landscape that has been cleared and broadcasted with seeds. A group of households practice cultivation on this large patch.

Forest-farming is not an isolated system, forest-farms along with private dry land, paddy land and encroached land complete the land needs of a farming household. These lands systems are interwoven and complement each other in the type of crops grown on them, ensuring that families are getting something from their land all through the year (see Figure 8.2). What takes a toll on these farming households, is that at least three

kinds of lands are simultaneously put into cultivation during the Monsoon rains. This puts excessive demands on work-load and labour-contribution from each member of the household. In almost all households, forest-farms needed the lowest degree of care taking and paddy-farms needed the most. Table 8.3, summarises a typical annual farming system in tribal households.

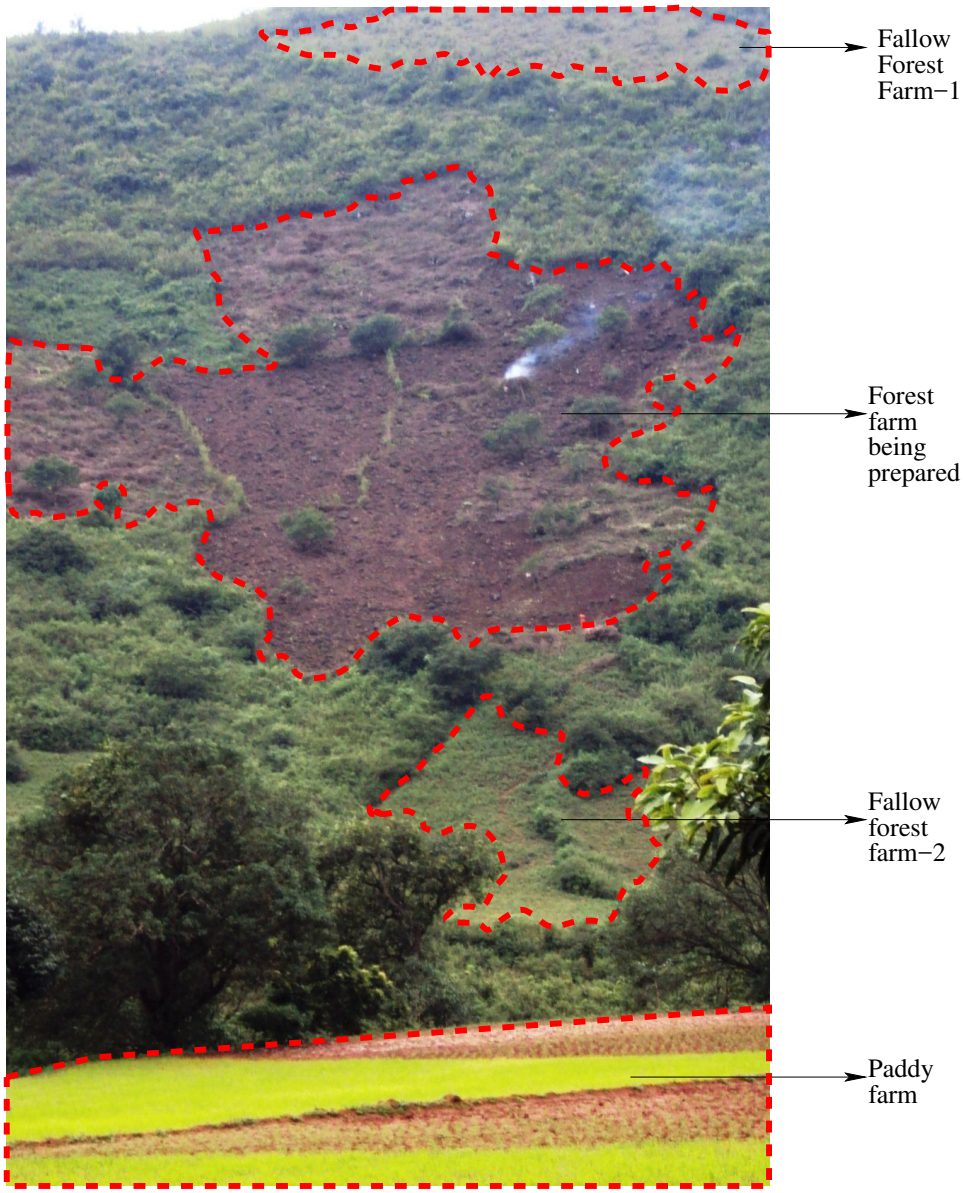


Figure 8.2: Forest farms being prepared in a village

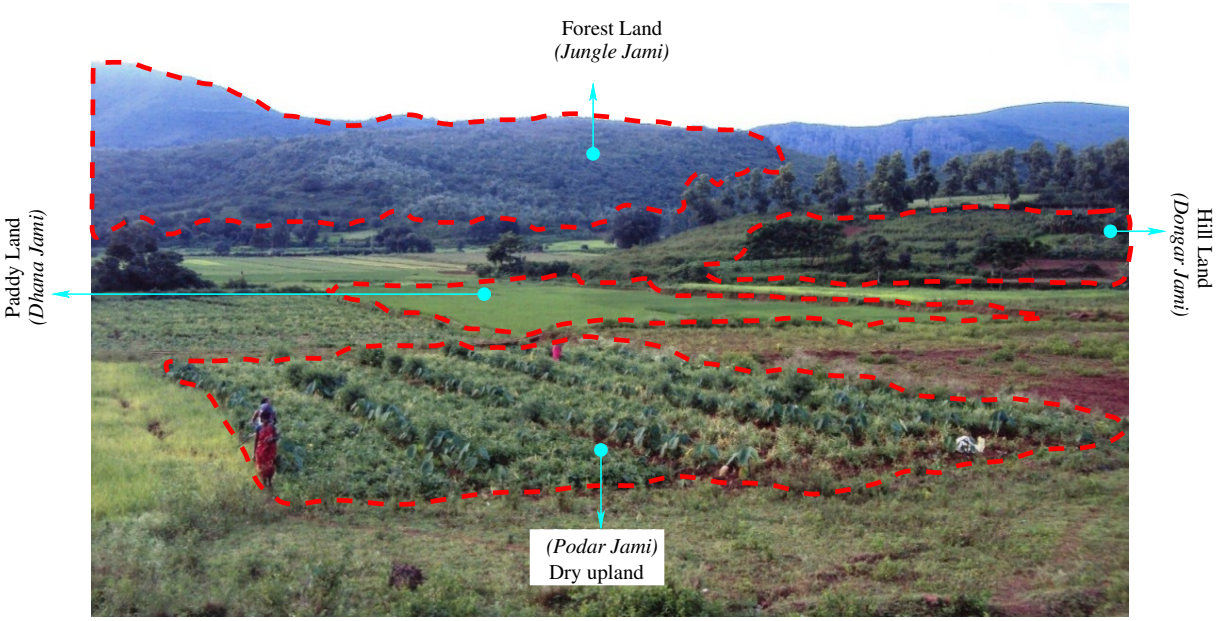


Figure 8.3: Different kinds of functional farmlands in a study village

Table 8.3: Annual farm cycle of forestland/uplands

Local Month*	Crops Sown	Crops Harvested	Remarks
Pusha (Dec-Jan)	Tomato, Carrot, Onion, Radish, Sunflower, Cauliflower in nearby lands	Olsi (forestland)	Depending on the availability of water
Magha (Jan-Feb)	Same as above	None	Baada or nearby lands
Gundi (Feb-Mar)	Long duration paddy in lower lands	Tomato, Radish (land with water arrangement)	-
Herai (Mar-Apr)	Month of celebrations no farm or field or labour-based work	None	-
Besai (Apr-May)	Short duration paddy (paddy lands)	Vegetables, old turmeric, old ginger (nearby lands)	Preparation of forestland
Landi (May-Jun)	Mandia (forest land) & Upland paddy (forest land)	None	Sown with arrival of rains

Table continued on next page

Table 8.3 – *Table continued from previous page*

Local Month*	Crops Sown	Crops Harvested	Remarks
Ratta (Jun-Jul)	Potato (hill slopes and dry rain-fed lands)	None	-
Banda (Jul-Aug)	Cucumber, chilli, potato (dry rain-fed lands)	None	-
Barsi (Aug-Sep)	Olsi (forest land) & carrot, radish, egg plant etc (nearby lands)	Mandia, Short duration paddy (paddy lands)	Olsi replaces Mandia on forest-lands
Dusara (Sep-Oct)	None	Upland paddy (forest lands) & Short duration paddy (paddy lands)	Paddy on upland and forest lands
Dwiedi (Oct-Nov)	None	Mandia (forest land) & Potato (hill slopes)	-
Panda (Nov-Dec)	None	Olsi (forest land) & Remaining vegetables (forest/nearby land)	Final harvest from forest lands

*Local months start and end in the middle of corresponding Georgian calender months.

The overall farming cycle of a tribal household is strongly affected by their decision to cultivate forestlands. For 9 to 10 months different farm activities are undertaken on these forest farms. Households observe a month-long festival of *Chaita Parab* in March-April and thereafter, starts clearing and cleaning overgrown vegetation on their forest-farms. The state of the farm; whether it was cultivated in the previous year, or is being opened after a long fallow period, or a short fallow period and, the location of the land including its slope and terrain plays a major role in deciding the quantity of work and time needed to bring it into production [Interview-38, 2014]. An acre of land situated on a moderate slope (10-30%) along the foothills can take a week of labour from two people. Similarly, a land parcel located in the middle of a hill with high slope (more than 30%) can take 15-20 days of cleaning by two persons [Interview-24, 2014]. All preparatory work on these

forest-plots is done using a hoe and an axe, therefore, it is a slow and labour-intensive system [Interview-51, 2014].

When pre-monsoon rains arrive in the region, by the last week of May, farmers broadcast seeds of Mandia (finger millets) and upland paddy (*dongar dhana*) on these farms. In the words of a farmer, *"In the month of Landi (June) when seeds are established on upland forest-farms we shift our focus to our low-lying paddy farms and dry private lands, which needs to be prepared to grow winter vegetables"* [Interview-24, 2014]. These months are the busiest times for farming households, as not only the forestland (*jungle/dongar jami*) but their own private rain-fed farms lands (*pedar jami*) and lands near their houses (*baada jami*) need their attention. At this time, family members are not only involved in labour work in their household farms, but also on the fields of other local landlords who hire services of villagers to do farm-labour on their fields. This is also the time when landless households gets to work on farms for a payment *"My family works on the farm of our neighbours and they pay for work, food and cloths, in non-farming season I go to big towns to work as a wage labour"* [HHS-076, 2014]. Most of the *pedar* farms are rain-fed, therefore, it remains in production only during the rains. The *baada* lands are close to houses and remain occupied by long duration crops, like ginger or turmeric.

The emerging observation from the region is that villages located near large markets cultivate vegetables three times in a year. This increases their work load on private lands and these households invest less time in forest farming [Interview-24, 2014]. In interior villages where markets do not exist, vegetables are harvested only twice in a year and forest-farms are used intensively. This has led many villages to focus on cultivating vegetables and spices like ginger and turmeric for which there is a ready market which brings a good income to many farming households [Interview-41, 2014a].

8.2.3 Forest Protection Initiatives on ex-Forest Farms

Most of the households who were not cultivating forestland in 2014, had voluntarily given up cultivation as part of collective village decision to protect local forest resources. 30% of the FRA-title owning households had not used their forest farm for the last 7 to 20 years. About 46% of these title holders had discontinued forest farming between 2000 and 2008, and the remaining gave it up between 2009 and 2011. About 26% of them had left their farms fallow as they were engaged in some other income-generating activities, like vegetable cultivation on private lands and working as wage labour elsewhere. About 14% of the respondents mentioned discontinuing forest-farming due its arduous nature. In many cases, in the absence of young man or woman in the household, forest farms lay idle in absence of labour. Out-migration of young boys and girls from tribal villages has led to a shortage of able-bodied people for forestland cultivation and this has gained attention from the Government[111] outside for work.

Rama is a middle-aged farmer and he narrated his story, *"our village is small with just 11 households. None of us have titles over farmlands we cultivate. When survey and settlement people came to our village in 1950s my grandfather and other villagers did not tell them about their individual land-holding and the family of* Naik *got all the village land registered to their name. After 20 years or so the family of* Naiks *moved out of the village and they sold their land to a non-ST man. This non-ST person is an absentee landlord and today every household in his village farms a piece of this new landlord's land. In my early years, to make ends meet I worked as a migrant labourer in Andhra Pradesh. In this village my household cultivates 5.00 acre of* Anabadi *land and some forestland. In 2011, I was successful in getting a FRA title for 1.00 acre of forestland and I also received ₹14,000 from government to make small stone bunds around it. Now I use this FRA-land to grow* Mandia *(finger Millet) for my household and in the future, I want to*

[111] http://www.thehindu.com/todays-paper/tp-national/tp-otherstates/migration-unabated-in-kbk-district/article3359278.ece & https://kbkotable.wordpress.com/2011/10/02/koraput-where-migration-is-due-to-poverty-and-distress/. As a response to stop the large scale out-migration of young tribal people from villages, the District Administration is running a large number of education and skill development schemes for youths so that they don't have to migrate [SPREAD, 2009b]

grow vegetables on this farm (see Figure 8.4). I have also stopped migrating elsewhere to search for work and I now spend time helping others in my village to get FRA associated benefits" [HHS-011, 2014].



Figure 8.4: Forest-farm developed using government funds

In the village of Tabja things were not that positive. The village is remotely located and remains cut off from its Block's Headquarters for 3 to 4 months every year, due to the lack of a bridge on a local stream. There onwards, it is only accessible via a 7 km mud track. In this village, 150 acre of private farm land belonged to a non-ST person who lives in the *Panchayat*, which is about 10 km from the village. Everyone calls him *Sahukar* (a money lender). There are 60 households in Tabja and all are officially landless, and they work as share-croppers on *Sahukar's* land. The only land that is still accessible to household is the surrounding forestland. Many young men from this village spend 6 or 7 months in the city of Cuttack to work in a stone-crushing factory. They return to Tabja during the cropping season for three months in June till August [GD-21,]. The settlement of forestland under FRA has brought some relief to 52 households.

On an average in Tabja, each household has received a title for 2.24 acre of forestland and this has brought a positive change in village. Villagers mentioned that, *"the young boys won't go back to Cuttack this year (2014), as they have decided to spend time in improving these forestlands and constructing pukka houses, that has come as a benefit*

with FRA-land titles. These young men will also prepare the FRA land to grow Mandia *and vegetables"* [GD-21,].

So, in villages where farmland is in short supply, FRA title-holders preferred to put land into immediate use. In villages where pressures of land shortage are not imminent, title holder wanted to wait for some more time to decide what they want to do on their FRA lands. Out of the 30 villages considered in this research, 10 had stopped cultivating forest or hills lands as they were engaged in forest-protection activities. 26% of the survey respondents mentioned that in their villages it was decided collectively to stop cultivation on forest land. Some of these villages had been engaged in forest-protection activities since the 1980s and others had recently started protection work. Table 8.4 briefly summarises the major motivations which led these villages to start forest-protection. In 2014, all these villages were actively engaged in forest protection work.

Table 8.4: Forest protection in villages

Village	**Year**	**Reasons and motivations for protection**
1	2000	(a) To protect hills against leasing to a mining company[112], (b) Eucalyptus plantation by Forest Department
2	2005	Shortage of firewood
3	2001	(a) Shortage of timber and firewood, (b) To protect hills against leasing to a mining company
4	1987	(a) Village-forestry block planting of trees in 1987, (b) Fear of mining company taking over lands, (c) Proposal to declare Deomali hill as Eco Tourism Site.
5	2006	(a) Shortage of timber and firewood, (b) Start of Joint Forest Management
6	2006	(a) Lack of access due to forest reservation, (b) Grow trees for timber and firewood
7	2010	(a) Lack of access due to forest reservation, (b) Start of Joint Forest Management
8	1994	(a) Lack of access due to forest reservation, (b) Start of Joint Forest Management
9	2011	Watch and guard of village from insurgent activities
10	2012	Shortage of firewood and wood

In these villages FRA title holders did not intend to discontinue forest protection in lieu of the titles. They were clear in their thoughts that the forest needs to be protected irrespective of titles or not [FGD-01, 2014a, Interview-35, 2014]. Some of the other reasons for farmers to discontinue forest-farming involved engaging their forestland for plantations (mainly eucalyptus) or orchards (mainly cashew or mangoes). About 10% of the title-holders had introduced tree-based plantation/orchards on their FRA-farms in the last 5 to 7 years. In Koraput, tribal and other rural farmers are being incentivised by the Government to grow eucalyptus on their private lands (farmers get income and the local pulp and paper industry gets raw material). Legally it's not permitted to raise eucalyptus on forestlands due the restrictions placed by the Forest Conservation Act 1980. However, the unique legal status of FRA-lands can possibly be explored in future to support farm-forestry like initiative [Interview-07, 2014]. Some of the other reasons for not cultivating FRA-lands included leaving them as pasture (about 4%) and shortage of labour in the household (about 2%)[113].

8.2.4 Use of Multiple Forest-Farms: A Norm in Villages

In the household survey 60% of the respondents mentioned that they use more than one plot of forest-farm. About 13% of the households cultivated more than two parcels of forest land. Household data and government data on FRA shows that these claimants have received titles for only one parcel.

Considering the background of shifting cultivation in the region [Pati et al., 1984] and efforts made to contain this practice [Mohapatra and Mohapatro, 1997], it was evident that the practice is less ubiquitous. However, a small remnants of this practice still existed in the interior regions. This study found out that although *Podu* does not exist anymore in its traditional form, a much shorter and more intensive rotational system of forest-farming does exist. Figure 8.5, illustrates a four-year forest land fallow system of

[112] http://www.business-standard.com/article/pti-stories/tension-over-bauxite-mining-in-Odisha-s-koraput-114011001352_1.html

[113] About 16% of the respondents did not share any reasons for discontinuation of forest farming.

farming. The Figure depicts a case where a household uses three parcels of forest land in addition to their private farmland. Household members farm on a parcel of forestland for two years (for instance in this case, year 2011-13) and for the year 2014-15, farming is moved to another parcel of forestland. They return to their first patch in 2016, thus giving a four year break to each parcel so as to regenerate and gain vitality [HHS-065, 2014]. Tribal farmers do not use fertilizers or pesticides on these forest-farms [Interview-38, 2014, Interview-24, 2014]. As the productivity of these forest-farms declines after two or three years of continuous cultivation, having additional forest-plots ensures that the families will always have a parcel under cultivation, every year.

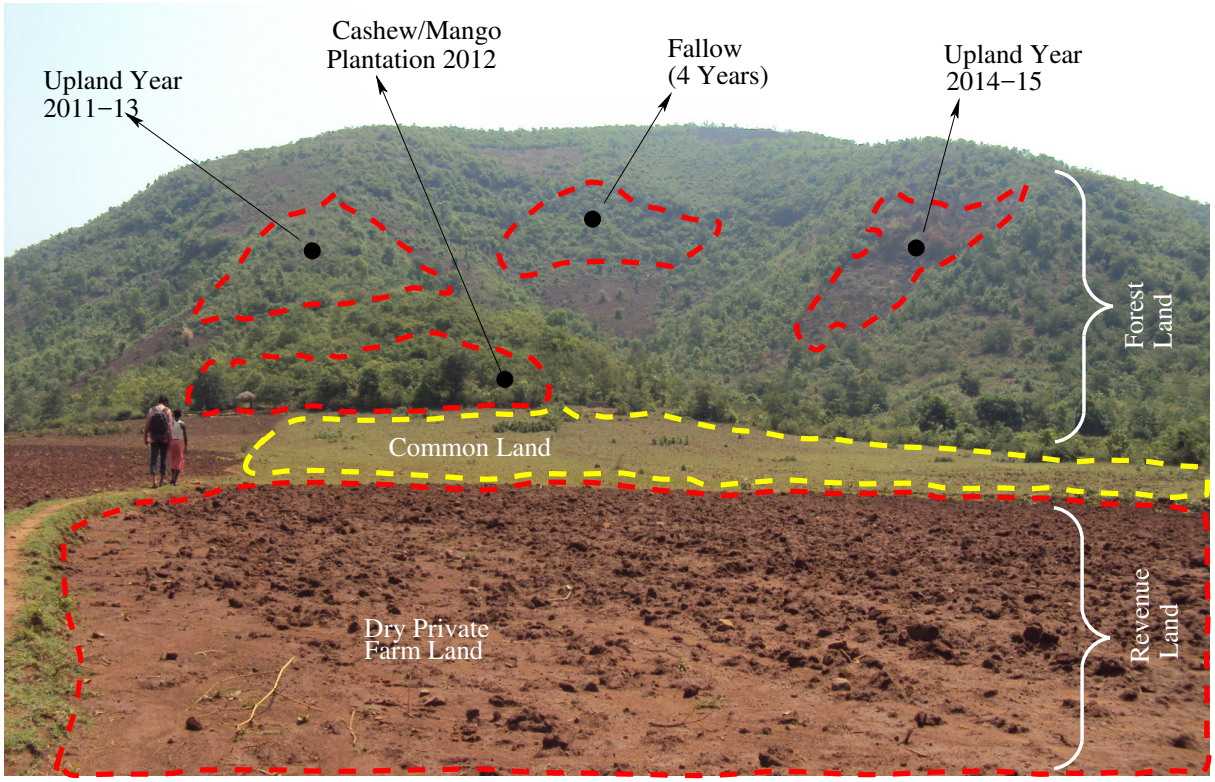


Figure 8.5: Forest-farm land rotation system

In households without access to multiple forest-plots, a similar kind of land rotation is practiced, by pooling in encroached uplands, forest-farms and dry private lands. These three are used in turn to grow staple food crops [Interview-41, 2014a]. In this system, six to eight years of land fallow-rotation is practiced (see Figure 8.3 to know about various kinds of functional farm lands). In both systems, new lands are not opened but old farms are brought back into cultivation. As a rule in every village, a household would know the

forest-parcels left fallow by other households [Interview-24, 2014]. The intensity of usage of multiple forest farms was such that in Blocks C and D some survey respondents had access to 6 or 7 different forest-plots.

8.3 Benefits from FRA Title

The Rule number 16 of the FRA has emphasized the need and the responsibility of the Government to provide hand holding support to holders of forest rights [MoTA, 2014]. In December of 2009, the GoO announced that the lands settled under FRA will also be considered for a State-sponsored land-development Schemes. FRA-lands owners could seek financial support to undertake activities including removing rocks, erecting stone bunds, digging small farm ponds and preparing land for horticulture plantations [GoO, 2009]. A ceiling of ₹50,000 per application was declared and the selection of candidates for these benefits was left to the *Gram Sabha*. In 2011, the Chief Secretary of Odisha released an order demanding 100% coverage of FRA title-holders under different Government Schemes [A.B. Ota, 2014]. The Chief Minister's Office expressed its dissatisfaction on the progress made on FRA by many Districts (including Koraput) and asked the District Administration to expeditiously link FRA-claimants though a common convergence to other ongoing schemes in the Districts. The Panchayati Raj Department was ordered to organise mass *Gram sabhas* to reach out to tribal villages and inform FRA title-owners to come forward and make claims for these grants [A.B. Ota, 2014]. In October 2012, the first large scale *Panchayat*-level meeting between government officers and *Gram Sabha* members was organised in the research area [Interview-68, 2014]. Since then it has become an annual event. So while the urgency and energy at higher levels of government seemed impressive, the reality on the ground looked different.

Out of 128 households, about 82.8% had received some or other benefits related to FRA. 66% of the households had received a housing allowance to upgrade their mud houses to a cement-brick house and 23.43% had received grant of free saplings, including-cashew,

mango, lemon and lychees. 17.18% of the respondents had received a land-levelling allowance and many had received paid labour work by helping other FRA beneficiaries to construct their new houses, plant trees and remove stones from their FRA lands. Additionally, 88% of the respondents were expecting one or other of these benefits to come soon, as they knew that their applications had been approved by the local Government. Only 22 households had not received any kind of benefit at the time of research. Table 8.5 summarizes the overall status of these benefits in surveyed households.

Table 8.5: FRA-led benefits for the households

Benefits → **Status ↓**	**House Construction Support**	**Land Development Funds**	**Trees Saplings**
Received-Confirmed	85	22	30
Applied-Waiting	40	48	3
Not Applied	00	90	00
No Response	02	01	00

Overall, households expressed their happiness on getting support from the Government. Everyone appreciated the housing allowance support which they could get because of their FRA titles, *"it's good to have a pukka house that can withstand weather fluctuations, it will take less time to maintain it"* [HHS-020, 2014a]. Indeed, village-based discussions indicated that from a forest-user's perspective the central benefit from the FRA was not the land title itself but rather the additional opportunities or benefits that could come along once the title is granted, *"I always wanted a pukka house and I was running after the* Sarpanch *to put my name on the list from the village. I am happy, that now I have now one. The title paper has helped many in our village to get houses this year"* [GD-21,]. Interaction with farmers gave a sense that for a large majority of title-owners it really didn't mean much to have a certificate for their land. Irrespective of the title they would have continued to use forest lands [GD-07, 2014, GD-18, 2014]. It's the association of benefits to FRA that has become a game changer [Interview-35, 2014].

Many Officers who were directly supervising these benefits believed that the interest of villagers in getting a title under FRA had gone up significantly after the government brought in its FRA-land convergence program in 2011 [Interview-11, 2014, Interview-27,

2014, Interview-28, 2014]. Another officer mentioned that earlier they were chasing village heads to complete FRA applications but since 2012 more villagers are chasing village heads or Panchayat Extension Officers (PEOs) to submit their applications as they needed the benefits related to FRA particularly the housing allowance [GD-22, 2014]. An Officer pointed out that, *"in the early years of FRA, I was continuously asking villagers to apply for FRA titles, but only few showed interests at that time. However, once a few FRA households were also selected for the housing allowance, other villagers came rushing to me and requested to urgently put in their applications as well. My office was flooded with such requests"* [FGD-01, 2014a]. Similarly, many *Sarpanchs* unanimously agreed that the interest of villagers in the FRA has gone up because of the associated benefits rather than the title itself [FGD-01, 2014a, HHS-001, 2014, GD-22, 2014].

In the village of Tabja 26 households had received their housing allowance under the FRA in 2013. On a visit to the village, In July 2014, the whole village was engaged in helping each other in constructing these houses. The housing work had kept them so busy for the year that they HAD decided not to farm their forestland in 2014 as they needed all available labour for house construction work [GD-21,]. Similarly, in the village of Punga, 21 households (out of 26) had received their FRA housing allowances in the year 2012. Thus, housing allowance was a big draw to speed up FRA claim-making.

The other major benefit of receiving free/subsidised tree saplings for plantations had not had many enthusiastic takers. In village of Narsi, 51 households had received approval letters to take up land improvement work on FRA-farms in 2011. Each approval letter was sanctioned for ₹16,000 for this purpose. However, when I met these families they told me they had not received any allowance for land development so far, but the Block Officer had given them some mango and cashew saplings which they had put on their private land. Many of these plants were already dead. Villagers had no idea that these trees were to be planted on their FRA farms and there was also some money to work on FRA land [GD-13, 2014].

Similarly, in another village a local land engineer had come and informed FRA-title

owners that they would get money to improve their FRA-lands; however, no one came thereafter so the farmers did not do anything about land improvement. Only one family, using their own money, had made some small terraces on their FRA-farm [HHS-015, 2014].

In another village a local land engineer had asked its youth club members to propose a cluster of FRA-land so that he could help them access financial support to conduct soil and leveling work. As a result, in 2013, a governmental work order for land improvement work on 7 acre of FRA-land was issued. Villagers decided that this fund could go to seven households and in coming years more applications would be filed to bring funds to the remaining FRA land owners [HHS-044, 2014]. Local land engineers mentioned that they had received instructions from their officers to take up development work on FRA-lands on a cluster approach to minimize its cost and effort, and they had left the decision to select such cluster of land to villagers. However, the engineers acknowledged that although they had led land development work, they were not sure whether the land they had developed is FRA-land as no demarcation or surveying work had been done on these forestlands [FGD-06, 2014].One of them said *"if tomorrow, somebody questions me about the whereabouts of the work I have done, I can take them to those land parcels, but if I am asked about the number or record of those land parcels, I won't be able to tell you that"* [FGD-06, 2014]. Engineers further shared that *"we have carried out our work only after taking instructions and consent from the Block Officer and villagers, so, in a way if any conflict arises in future Block Offices will be a point of reference for these decisions and not us"* [FGD-06, 2014].

The members of the youth club were confident that eventually every one's lands would get covered under land development funding and they did not see any problem in the way land development work was undertaken. However, this discussion left some other members of the village uncertain about their chances of getting funds for FRA-land development in future. On the other hand, in the villages where the OTELP[114] program was being undertaken, most of the households had received tree saplings though the program and

[114]The Odisha Tribal Empowerment and livelihood Project (OTELP) is a long-term development project of GoO and now it represents the 70% of the funding of the Tribal Welfare Department in Koraput.

some of them had put those saplings on their forestlands. A discussion with OTELP staff revealed that before the arrival of FRA, they never worked on the forest land and only used the village common lands and wasteland for planting orchards. With the FRA's arrival they did not receive clear guidelines to work on FRA lands [Interview-25, 2014].

Although the State had clearly issued instructions through an Order in 2012, that the OTELP program should work with FRA-claimants [A.B. Ota, 2014], local level officers were found to be unaware of this [Interview-25, 2014]. Similarly, a discussion on FRA with the local Watershed, Agriculture and Women's Empowerment Department casted light on the fact, that not all departmental heads were aware of the State Government's instruction to work with FRA beneficiaries [Interview-44, 2014, Interview-46, 2014, Interview-45, 2014].

8.4 Forest Land Title and its Significance for Title-owners

This being the last section of the thesis, it is essential to go back to the initial discussions on historic injustice, rights deprivation and identity of a forest-dweller. Forest rights literature in India has emphasized on the resistance between forest-dwellers and the State [Guha, 2000, Guha, 1999]. New research in this domain has pointed out the need to secure tenure and use rights in forestry in India [Rao, 2005, Tatpati and Pathak-Broome, 2015, Kashwan, 2017]. This section has explored the situation of Koraput in the light of emergence of FRA and security of forest rights and tenure in the region.

Household survey showed that 85% of the respondents were not aware of the Act or of the Government's decision to give forestland titles to tribes. Only 14% of respondents knew something about the Act and most of these respondents had some links with the *Panchayats*, either as *Sarpanch*, or as a Ward Member or as a village worker for some local NGO. On the other hand, field level government officers, political representatives and

higher officers were aware of FRA. To understand the households urgency for forestland settlement, survey asked them if in the past they had visited any government office asking for their rights over forest land. 25.7% of respondents mentioned that they had discussed their need for land including forestlands with the local RI. Many respondents (about 69.5%) said that they had never asked any officer about title for forestland or the other land.

In Block C and Block D, survey asked households of their perceived reasons on why GoO haS decided to give forestland titles to them. This proved to be a difficult question and only a handful of respondents could express their thoughts about it[115]. A recipient said, *"perhaps it was a reward by Government as I keep my forest farm really well"* [HHS-093, 2014]. Another respondent mentioned *"I think, because I am landless the government has given land title for forestland"* [HHS-076, 2014], and the other one thought *"the Government wants me to live well and a land of my own will ensure it"* [HHS-090, 2014]. Most of the individual respondents said that they had no idea why the government has decided to give titles to them, especially when it had not done so in the past. In two villages where mining-related conflicts are going on respondent said, *"the Odisha Government is under pressure due to the ongoing tribal protests, so they are giving away forest land titles"* [Interview-52, 2014, Interview-47, 2014]. In a village affected by insurgency, villagers did not acknowledge such reasons [GD-18, 2014]. However, most respondents felt that government had done good by giving them titles. In discussions with villagers whether in GD or householder's surveys, the notion of tribes speaking out or demanding their rights on forest didn't emerge strongly. Rather, any kind of aggressive expression was subdued in the light of a recurring philosophy which was being practiced all over the region that, *"with or without any land title, land - both in forests (Jungle Jami) and hills (Dongar) - are part of our village and, so, it belongs to us"* [Interview-47, 2014, GD-05, 2014, GD-35, 2014, FGD-01, 2014a, HHS-015, 2014]. Reflecting the tribal way of life which has stood the test of times, so far.

[115]In most of these surveys the husband and wife as a couple often sought approval from a larger group-the neighbours and extended family members.

8.5 Change in Attitude of Government Officers

The number of RI posted to monitor and check the use of land in these Blocks are few. For instance, in Block A, there are 14 Revenue Circles and only three Revenue Inspectors (RI) [GD-36, 2014]. *Tehsils* Offices in all four Blocks were under staffed [Interview-13, 2014, Interview-28, 2014, Interview-19, 2014]. At times, RI couldn't visit a village for many months, but, RI were aware of the shortage of quality farmlands in villages [Interview-11, 2014]. Knowing the volatile condition of Koraput, the RI are generally considerate in their inspections tours [GD-36, 2014]. The RI did not penalise the use of land severely and sometimes helped the farmers by suggesting ways to get over legal hurdles [Interview-13, 2014]. In return, tribal farmers do not make a big issue out of local incidences of small bribe-taking (mostly in the form of local gifts including local food) by RIs [FGD-04,].

Overall, the Government Officer's stance in the study area was accommodative on many fronts. Local officers kept good relations with villagers to make sure that the villages remained peaceful and were not adversely affected by bigger issues such as the influence of left-wing philosophy. Most government officers were under pressure to perform and keep unrest under control by any means [Interview-07, 2014, Interview-13, 2014]. Forest Guards shared their approach while dealing with tribal farmer when caught farming in forest areas - "*If a tribal is found farming in RF then we ask him to immediately leave and a case is filed against them, but, if a person is found cultivating in other type of forestland, like jungle blocks or village forest then the person is only given some verbal warning to discontinue, and if a farmer is found cultivating any other government land, we would close our eyes*" [FGD-03, 2014].

Also, over the years, tribes have learned how government officers operate and they consciously occupy lands that are not under the jurisdiction of the FD including the occupation of *Anabadi* land for seasonal farming [FGD-04,]. During village discussions, villagers identified forest land held by the FD as *Sarkari Jungle* and other village lands

with forests as *dongar or bodo dongar* [GD-18, 2014]. Therefore, both the users and the keepers of forestland are learning ways to avoid any conflicting situations. Recently Women Forest Guards have made an appearance in the local forest office. One of them said *we have been told by our higher officers to first use mediation and negotiation with tribes in the case of encroachment of Department land, legal course of evacuation is taken when nothing else works* [FGD-03, 2014]. This change in attitude of the local FD is further evident, when the high ranking Forest Officers also mentioned that the FD has a lenient outlook to the use of FD controlled forests by tribes in Koraput [Interview-07, 2014, Interview-66, 2014, Interview-63, 2014].

Chapter 9

Conclusions

This thesis set out to seek answers and deliberate on the issue of forest rights settlement in tribal territories of India under the Forest Right Act (FRA) of 2006. In doing so, the thesis has analysed issues of forest rights deprivation, forest tenure settlement and various socio-economic aspects of forest land use and management in a micro-geography of Koraput, India. FRA was introduced with a promise to secure land and resources use rights on forestlands, for the forest-dwelling communities. A review of literature showed that the provisions of the Act has already attracted attention from researchers and international development groups and the act is being considered by many as a watershed legislation in the history of Indian forest policy [Springate-Baginski et al., 2009, Bose, 2012, Larson et al., 2012]. The following sections discusses the key findings of the thesis and marks out the areas for future research in the field of forest policy and tribal communities.

9.1 Denial of Forest Rights and Historic Injustice - Lessons from Koraput

Pioneering work by the Indian forest intellectuals including [Guha, 1983, Guha and Gadgil, 1989, Pathak, 1994, Gadgil and Guha, 2000, Sivaramakrishnan, 1999] have established

that the colonial forestry policies had undermined the rights of forest-dwelling communities. In post-colonial India, these rights remained unacknowledged and policy revisions in forestry did not address settlement of these customary/traditional rights [Pathak, 1994, Sarin et al., 2005]. Such long delay in rights settlement is considered a historic injustice in forest fraternity [Saxena, 2003, Springate-Baginski et al., 2009, Sarin, 2010]. This historic injustice had a profound influence in shaping the relationship of forest-dwellers with forests and forest-administration [Sivaramakrishnan, 1999, Guha, 2000, Rao, 2005]. Research findings from the tribal region of Koraput corroborate their arguments that situation was not very different from the rest of the India, however, there were a few distinct attributes due its secluded geography.

An exploration of Koraput's forest and land history reveals, that since 15^{th} Century, Koraput was a local Kingdom, known as the Kingdom of Jeypore. The Kings were non-tribal and practiced a system of land management where non-tribal representatives (known as *Paiks*) were placed in tribal villages to look over their general administration [Mohanty, 2011]. Forest resources were abundant and belonged to the King's family. There were no regulations, except a few, barring public hunting in the royal reserves and the authority of the King over the timber mills in the region [Rath, 2000]. Not much is known about organised forestry management till the time British arrived in the Kingdom in 1868.

The tactics used by the British to uptake forest resources in Koraput followed the pattern as discussed in [Sivaramakrishnan, 1999]. The British settled Koraput as Jeypore Estate to its King in 1802. By 1868, it took control of its police, general administration and forest [Mohanty, 2011]. Thereafter, began the process of estrangement of customary rights of forest-dwellers by an organised state institution, using forest legislations as a mean to secure sole proprietorship over forest land and resources [Sarin et al., 2005].

As was the norm in the parts of British India, officers objected to the pervasiveness of slash and burn cultivation in various parts of India [Bryant, 1996]. In Koraput, the practice of (*Podu*) became the central point of criticism by visiting officers [Carmichael, 1869]. A clamor of officers expressed their concerns over the mismanagement of forest

resources in the Estate [Francis, 1907]. It instigated the Governor of Madras to take over the management of the Estate in pretext of safe guarding the local forest resources and enhance agricultural revenue, that would benefit its downstream British territories [Francis, 1907]. So, after a negotiation with the King in 1894, the MFA (1882) was extended to the Estate, which later was followed by the Jeypore Forest and Wasteland Rules of 1895. These sequences of events conforms to the forest land uptake strategies by colonial administration as discussed in [Stebbing, 1922, Bryant, 1996, Sivaramakrishnan, 1995].

A key observation that has emerged from Koraput is, that unlike, other forest-dwelling communities of British India [Sivaramakrishnan, 1995, Jewitt, 2008], the forest-dwellers of Jeypore did not revolt against the British uptake of forest lands. The generous outlook of the King to tribal folks [Sahu, 1942, Carmichael, 1869] and the restraint showed by the British officers to go deeper into the hostile environment of Estate [Bell, 1945] might have contributed towards a resistance-free access to the Britishers. Once the forest legislation was imposed on Jeypore many forested lands were declared as RL, extinguishing all rights of local forest-dweller's. Between 1900 and 1950, 120 forest blocks were declared as Reserved. Forest watch guards were employed to keep tribes away from these RL. Many day-to-day tribal activities including collection of timber and non-timber forest products and *Podu* cultivation was declared illegal [GoO, 1971]. [Kumar and Kerr, 2013] has discussed the indiscriminate use of forest notification as an instrument to grab tribal lands by the colonial foresters. The lower lands in the West and north of Koraput seemed to have had huge implications from such notifications [GoO, 1971].

In absence of any colonial data to throw light on the process of forest reservation in highlands of Koraput, this thesis has analysed 12 cases of forest reservation from the post-colonial years. Analysis showed that the process was marred by long delays and initial notification proposals were developed with a partial knowledge of the land and rights of its inhabitants, confirming to the findings made by [Sivaramakrishnan, 1999]. In most of the cases non-availability of land data and non-cooperation between the key offices was at the

center of delay. Cases of Ampabali RF and Deomali RF sheds ample light on the minutiae of the process and its inefficiency in addressing the rights of the local inhabitants. [Guha and Gadgil, 1989] has discussed the issue of the mental separation between forests and forest-tribes in India. Similar sentiments have emerged from the Koraput's forest history where disparity between government-held forest and forest-dwellers forest have only grown wider. [Sarin et al., 2005] has discussed in detail about the colonial pursuits of timber and revenue and post-colonial pursuits of timber and conservation in India. In Koraput, these pursuits are evident in the course of its forest policy experience. Enough information exists in Koraput's land history that establishes that during the expansion of forest and land policies forest-dwelling tribes were compelled to change customary practices and use of their traditional forest territories.

Identity of forest-dwelling communities has been a subject of recent scholarly work on tribal forest policy [Bose, 2012, Rao, 2006]. In the light of FRA, forest-based identities have assumed further significance. History of forest policy evolution in Koraput shows that as a part of policy evolution process, in 1906, 43 forest-dwelling groups in Koraput were marked out as privilege holders by the Colonial administration. This allowed the members of these groups to access some parts of Reserve/Protected Lands after paying an annual fee [GoO, 1971]. Listing of tribes as privilege holders as an event had a long-lasting bearing on local forest use and access. In the post-colonial policy considerations, these 43 user-groups were re-recognized as Scheduled Tribes (ST) and Scheduled Castes (SC) in Koraput. Thus, the event laid the foundation of classification of forest-dwellers which became an important identity marker and political classes in struggles over forest rights.

The thesis has argued that the forest land policies should not be seen in isolation from the larger land policies in tribal territories. In Koraput, the investigation of the land survey and settlement process showed that, it was a pivotal process which contributed to a large share of the historic injustice endured by the forest-dwellers. The event was particularly important in regard to the enforcement of a land recording and revenue system, which did not recognise the tribal use of land and declared it illegal. The new

land management system was revenue-oriented and was developed to penalise the use of government-controlled lands. It led many forest dwellers to appear on the other side of the law as encroachers of government land. Between 1934 and 1966, village common lands in Koraput were designated as government land. At the same time, non-cultivable and cultivable wastelands, dense forest areas, hills, RF, PF and other inaccessible areas were placed outside the village boundaries as government land and were left un-surveyed [Behuria, 1966]. In this scheme of events tribal families lost a very large part of their common lands, forest lands and *Podu* lands to the State. In context of forest rights, this thesis has provided clear evidence on the need to synchronise land and forest policies in tribal regions. These two are concurrent and overlapping systems and needs to be addressed as one for any honest efforts towards customary forest land settlement in tribal territories of India.

The case study of Koraput also affirms, that the Indian State had pushed the Scheme of colonial forestry into the post-colonial era, at the cost of the well-being of forest-dwelling communities [Sundar et al., 2001, Sarin et al., 2005, Agarwal, 2010]. In post-colonial Koraput, erosion of the rights of forest-dwellers accelerated with the emergence of stringent conservation-focussed legislations between 1970s-80s. [Guha and Gadgil, 1989, Pathak, 1994] emphasised that the introduction of programs like Soil and Water Conservation (in 1959), Social Forestry (in 1974) and Farm Forestry (in 1981) has changed the composition of local forests, by introducing new trees species. In Koraput, eucalyptus, acacia and cashew have altered the natural forest composition and affiliations in many locations. Leading to a mental separation of tribes from their immediate natural environment. In Koraput, this mental separation was clearly visible in the local terminology for forest as our forest or *'ama jungle '* and government's forests or *'sarkari jungle'*. Clear disenchantment was also found in the understanding of the usage of these two kinds as go and no-go forest areas in tribal understanding of access.

As analysis of forestry planning documents in Koraput showed that the principal blame of forest loss in the region has been forthrightly placed on its forest-dwellers [GoO,

1971, GoO, 1990, GoO, 2006]. Conspicuously excluded is the other facet of forest use, the uncontrolled extraction of timber by administrators between 1900 and 1980, first during the two World Wars [Bell, 1945] and then for infrastructure development [Senapati and Sahoo, 1966]. This practice by State is equivalent to institutional deforestation where the institutions of authority is involved in organising and leading deforestation activities and that too without the consent of the local forest-dwellers. In case of Koraput, institutional deforestation remained unquestioned and unchallenged. It does appear as a casual information in most of the historical documents but no insights are provided into its extent and organisation. A future research in Koraput can surely shed light on the historical aspects of timber and forest products utilization and intensity of institutional deforestation.

Thesis has also shown that the denial of forest-dwellers rights in Koraput occurred over much of the last century. New insights have emerged from the standpoint of an ex-princely state in British India, which provides additional frame of referencing for the existing narratives on the impacts of colonial and post-colonial forestry on the subcontinent. Particularly, the elements of peasant resistance as discussed by [Guha, 2000, Pathak, 1994] finds little resemblance in Koraput. Geographical isolation of tribal pockets in Koraput played a major role in keeping direct interactions between the tribes and British officers to a minimum [Bell, 1945]. Similarly, political isolation of tribes from Colonial administrators also discouraged fuelling of any major resistance against imposition of forest laws and policies [Sahu, 1942]. Furthermore, social construct of village administration made sure that the Kings had access to most village-matters through their agents or *Paiks*. Thus, a range of factors affected how tribal inhabitants in Koraput were exposed to the elements of land revenue and forest administration uptake by the British. Local findings also resonate with the suggestions made by researchers including [Sarin, 2010] and [Springate-Baginski et al., 2009] that the situation of forest rights deprivation in tribal territories remains unexplored for a very long time due to lack to attention by researchers and absence of written records. In Koraput, colonial records on forest use and management are not available, and those that are available, do not discuss the rights and

perspective of forest-dwellers in any significant way.

The most significant finding that has come out of Koraput, is that, on a larger scale more people were directly affected by local revenue land policy changes than forest policy interventions. There are numerous crossovers between farm land and forest land use in Koraput. The existing sociological and land use methods used in the evaluation of history of forest policies have failed to capture this unique aspect of tribal territories. Due importance needs to be given to the overall land management strategies exercised by the forest-dwellers and the State Governments, while constructing forest use history of tribal lands. In future, further research should feed in developing relevant historical and social scholarships on integrated and comparative development of land resources in tribal territories and its effect on forest-dwellers choices inside forested landscapes.

Investigation of tribal land occupation and use patterns in Koraput, draws attention to the need of formalising the customary land use and forest use practices in tribal territories in India. Without addressing the customary use of land and forests, any attempt to address historic injustice will remain superficial. An exploration of Indian forest policy makes it clear that the existing legislative framework on forestry does not provide any space to record and uphold tribal ways of forestland use and management. In its current form the Indian forest policy directives are incapable of addressing the challenges of respecting and settling customary forest rights of its tribal population. Although, with the arrival of FRA it is assumed that the Act has created a legal space, and has provided some tools to include complexities of tribal land use into forest planning in the region. Fact-finding on FRA implementation in Koraput shows that at the local level the Act is being manifested with a different focus and its potential to instigate efforts on large-scale recording of customary practices and rights is yet to take roots.

9.2 FRA in Koraput

In Koraput 2,306.00 km^2 of land is eligible to be claimed under the individual rights in FRA and 63% of its citizens can make various claims under FRA. In numbers, at least 300,000 households are eligible to make individual or community claims. In February of 2016, a total of 27,676 individual claims were approved and 25,742 claimants had received their certificate of titles or *Patta*. In these titles, an area of 40,086.42 acre has been settled as FRA lands [ITDA, 2014]. In 4 Blocks, 6,664 households had received individual titles with an average of 1.55 acre of land. The largest numbers of applications (32,077) were received in the year 2008-09 and in the subsequent number of new applications reduced significantly. During 2012 and 2014, no new applications were received by the FRA governing authorities and it was found out that it took an average of 3 years for an applicant to get FRA land titles [Interview-12, 2014].

Field investigation showed that the claim settlement process in the year 2008-09, had bypassed all the procedural checkpoints of the Act. Unprecedented urgency was shown by the local government to settle forest rights and extraordinary administrative measures were put in place in Koraput. These efforts resulted in collection and processing of a large number of applications in a very short span of time [Interview-11, 2014, Interview-30, 2014, Interview-57, 2014, GD-35, 2014]. As the process was centrally-imposed and a large majority of the *Gram Sabhas* were unaware of their roles in the Act. Subsequently, most of them were unaware of the existence of any Forest Rights Committee (FRC) in their villages. After 2012, the Act was amended and systematic efforts were made on awareness raising and rule of law. A survey of FRA title recipients showed that 85% of the respondents were not aware of the Act or of the decision by the GoI to settle forestland titles in tribal territories. Only 14% of the respondents knew something about the Act and it was found out that the most of those who knew had some links with the *Panchayats*, they were either related to the elected village chief, or Ward Members or NGO village workers. Thus, the percolation of information was mostly through a network of local elites. Importance of local power structures and local politics in FRA processes

in villages closely follows the idea of illusion of power as discussed in [Cochrane, 1998].

An inter-institutional investigation of the key government agencies - tribal welfare, forest and revenue - showed that the three departments were working for their own departmental mandates than keeping the spirit of the Act at the center stage. Emulating the politics of bureaucracy as discussed in [Tullock, 1965], the FRA office-bearers had interpreted policy intentions differently, yet they were required to work together on a common goal. [Hasenfeld et al., 1987] has discussed power dependent relations in contexts of bureaucratic systems which finds affinity in the way local bureaucratic actors collaborate with each other. Amongst the bureaucrats, WEO are the first point of contact for field information related to the Act. They work closely with local RI and foresters during the process. This thesis has emphasised that in FRA local level inter-departmental bureaucracy is a major bottleneck in coordinating ground efforts. FRA also provides an eventful insight into collaborative problem solving that takes place in inter organizational settings, a concept that takes into consideration the distribution of power among various organizations, a theme explored in [Gray and Hay, 1986].

Outside FRA, bureaucratic encounters between tribal land users and agencies of land, are in a constant flux to find some common agreeable grounds. For instance, in villages informal permission to seasonally cultivate government *Anabadi* land is one such case. This in turn, has provided opportunities to both the actors to innovate on the terms of *de facto* usage of land and forests, and develop a mutually win-win scenario under a set of rules and norms [Brandenburger and Nalebuff, 1995]. FRA data shows that the involvement of FD in the process should go up a notch to improve the time demands and outcomes of the applicants claim on land. In longer term, its in the benefit of land, people and the State, that the FD is able to redefine its role as a facilitator assisting best practices in land management in FRA territories. Findings further highlight that other allied departments, primarily agriculture, watershed, forest and livestocks are yet to be involvement in the development of FRA lands. In coming years, these departments should play important role in improving the quality of FRA lands.

The thesis has captured in detail the politically motivated expanse of FRA in Koraput. Forest rights and land rights settlement are at the centre of Koraput's socio-political conflict, between the State agencies and armed tribal groups. In this context, it is essential to have a clear policy crossovers on land and forest rights reform for this regions. Implementation of FRA is affected by conflict, which is manifested in various forms in villages and in the hierarchies of the local Government. For instance, constant confrontations have forced the local Government to act expediently on FRA. In order to maintain a collegial relationship between politics, bureaucracy and tribal citizens, various political actors, across the scales local-regional-federal have facilitated the process, enabling rapid disposal of titles to claimants in Koraput.

This relationship is guided by the urgency of reforms and pressure created on local politicians, bureaucracy, executives to keep the local unrest in some control. Similarly, at the federal-level, the presence of pro-FRA ministers in the MoTA, the MoEF and the MoRD, between 2008 and 2012 created a conducive space for FRA to take its course. Until 2015, the political will behind FRA had been excellent. At the regional-level, the Chief Minister's Office was proactive in delegating to the District Collectors all the instructions that were needed on various issues affecting FRA. The involvement of pressure groups including CSO has further helped FRA to reach out to its intended recipients. FRA is one such case where politics and bureaucracy have worked hand-in-hand to ensure that the claims from villages were received and disposed quickly. This was the reason behind the great numbers shown in the monthly reports of FRA status by the federal ministry. Field work for this thesis has captured the other side of this FRA success story. At least in Koraput, FRA has taken root in a complex background where local and regional political entities have used FRA to reap electoral benefits of good-will generated in the tribal village voters. However, once elections were over (in 2009 and then in 2014) the rapid pace of FRA implementation came to a standstill. This political urgency also destroyed the key essence of the Act to address the complexities of customary forest use and rights in the tribal territory of Koraput.

The way FRA got implemented in Koraput, it holds little potential to address the historical injustice done to its forest-dwelling citizens. Learning from the international debates on the importance of redressing historical injustice in cases of territorial disputes [Waldron, 2002] and [Nine, 2008], wider and continuous spaces for rights negotiation are provided in the Act. In Koraput, these spaces have been undone at the beginning of the process itself. So, for may forest-dwellers, a scope to negotiate extent of rights for their individual use of forest land did not exist in reality. Questions on the real usage of forest land by a tribal household never found a place in the application process. Individual rights under FRA were treated by the authorities as a one-time land allotment to tribal households. Although the Act clearly provides a way to recognise customary rights it has not been translated into the field as such. The other aspect of FRA is that, in Koraput, communities as a collective, were unable to assert any rights under the CFRe provision of the Act. It is assumed that once the process to settle collective rights will begin many underlying unresolved issues of customary land use would come into light [Interview-54, 2014, Interview-68, 2014, Interview-67, 2014]. In the case of Koraput, the research evidently shows that it has potential to address some of the injustice done to forest-dwellers, however, in its entirety FRA would not be able to address the wider land alienation issues and unrest which are at the core of land and forest contest and more comprehensive forest and land policy tools will be needed to resolve them.

9.3 Households Dynamics: Status, Tactics, Gender and Nature of Land

The other essential aspect of this research was to analyse the data generated from household surveys to understand various underlying social factors that have affected the settlement of individual titles in Koraput.

Household survey data showed that the farmers who have received FRA titles are mostly small or marginal in terms of their existing land holdings. 69% of the survey

respondents had less than 5.00 acre of private farm lands and 15% of the households were absolutely landless. However, in the context of informal access to land, functionally, every household had access to a farm somewhere, including private land, or encroached government land, or forest land. Thus, an investigation of FRA settlement process has brought into picture a diversified portfolio of lands that are being put into use in the forest-farming cycles in the study region. FRA only addresses one of these kinds of land - the documented forest land. Household survey data showed that each household had received a title for an average of 1.55 acre of forestland and in a majority of titles land allotments between 0.50 - 3.00 acre have been made. This size of land might not hold much relevance in the debates over historic injustice, but these land parcels do hold immense importance in the debates on livelihood security that tenure security over forest lands can bring into a local economy [Amanor, 1999, Jakobsen et al., 2007], and in developing capabilities of these FRA farms and title owners [Sen, 2001] .

One of the questions that this thesis has explored concerned if gender was at all a factor in the success of a claim. Household survey showed that about 16.4% of FRA title owning households had titles issued to a woman. Most of these households were women-headed households. As a norm, a large number of respondents, both men and women had no knowledge of FRA claim-making process. Most of the married women had assumed that the forestland title was in the name of their husbands. These findings are in line with other major studies of agriculture-based communities in India [Agarwal, 2003, Rao, 2005]. The difference in the attitude towards land rights to women in tribal territory emerged when the household survey respondents were told that FRA title are joint titles and about 20.3% of the married couples agreed that having joint titles for their private or forestland was a good development. However, due lack of awareness about the subject, many respondents (more than 75%) could not articulate their thoughts about the rights of women to land. A small fraction of men 2% disapproved the inclusion of women's name to land records thinking that it could create disputes in the household. When asked about the inheritance of the recently titled FRA lands, 68% of respondents gave an answer to the question, out of which 59% stated that their FRA land would go to

one of their sons, 4.5% said that it would go to their nephews and 13.6% wanted to give forestland to their daughters. Overall awareness about the new developments on women inclusive land policies was non-existent in the households.

Another significant finding from this thesis concerned the role of tribal women in managing farms on forest land. The male members of the households related forest-farming on untitled uplands with women and farming on private titled lands with men. A woman spends a significant amount of time in managing family's upland farms. Thus, FRA does bring in a larger need to integrate women owning forest lands into mainstay of land management for forestry and agriculture purposes. Inclusion of women forestland owners into land management system will provide new directions for policy-makers to work towards women-friendly forest and land management system.

One of the gender-concerning shortcomings of FRA included differential treatment of single men and single women in the claim making practice. In study villages, unmarried men and widowers were successful in making claims, but single unmarried or separated (with/without divorce) women were not allowed to put down applications for FRA. On an average every village had at least 8 such households where young married daughters had returned to their villages after a broken marriage. These women are left out of the FRA process. Thus, unless a further clarification is released by the Government a large number of single women in tribal Koraput will remain without forestland titles.

Access to information plays a critical role in expanding opportunities for livelihood expansion [Chambers and Conway, 1992]. In FRA claim-making, whenever information was available through a village youth, or any NGO worker, or a teacher or a government agent; claimants used such information to make good application decisions and thus helped them secure tenure over forestlands. Considering available information, different tactics were used by claimants to obtain rights over their forest farms. Importance of tactics in bargaining for rights and its impact on outcomes is an established theory in resource use [Bacharach and Lawler, 1981]. In villages, these tactics included cases where, 1) fathers and sons co-habiting the same household unit applied separately for land claims,

2) grandfathers put forward their sons to make claims, 3) widow mothers sought help from the facilitating agencies to make claim for land titles, and 4) landless couples used FRA as a chance to get title over a piece of unclaimed uplands. In all cases, claim-making families ensured that their members could retain titles for active forest-farms, so as to enhance their land-based security.

Analysis of village-level FRA data showed that geographical factors have also played a role in the final allotments. In remotely located villages claimants have received titles over a larger land parcel. The average FRA allotments in villages situated next to good roads (concrete roads) was found to be less than those located on bad roads (gravel and mud). Furthermore, as road conditions improved from mud and gravel to concrete roads, the average FRA allotment size fell by 38%. Village data also revealed that 32% of the survey villages had an experience of insurgency at some point of time and the average FRA forestland allocation in such villages was found to be 33% higher than those in the non-affected villages. In future, with the expanse of access infrastructure all-weather roads will reach many villages, it will have a major impact on land use priorities and decisions.

An examination of land classification system in Koraput showed an existence of overlapping systems of classifying land as forest land or revenue land in Government records. It was found out that different legal and topographical types of forestlands had been recognized in the study Blocks. About 78.9% of the titles were settled on land identified as Jungle Blocks, 15.99% as hills (*Dongar/Pahada*) and 2.52% as Village Forests. Only 2.55% of FRA titles were given on land notified as RF. The insistence of the Government on meeting legal classification of land as forestland overrides the basic spirit of FRA. The Act did not limit itself to the settlement of legal forestlands but insists on settling land which meets the functionality of land being used as forests, irrespective of its legal status. It is expected that in the post-FRA period issue concerning management of these different kinds of land types under one umbrella of 'FRA-land' will pose challenges to their development and use; and will necessitate creation of new policy spaces to integrate

them in to the larger forest management goals in the country.

The thesis has challenged the notion of legal and illegal occupation of land in tribal territories. Household survey results showed that the use of government land (forest or hills or common land or wasteland) for farming is a common practice in the area. 52% households had access to some State-owned land. Furthermore, it was found that for many FRA claim-making households access to the *Anabadi* or wastelands (belonging to the RD) was not perceived as off-limit. 25.7% of the respondents mentioned that they had discussed their need for additional farm land with the local Revenue Officers. As a prevailing local practice, a farmer could cultivate encroached land for many years under the knowledge of a Revenue Officer; in return the land is shown as temporarily occupied in official records. By doing so, first, the Revenue Office affirms that permanent occupation of these lands never takes place, and second, tribal farmers get access to some more farm lands. This is a kind of a informal arrangement between bureaucracy and people to address issue of ever expanding landlessness in the region.

Evidence from Koraput suggest that every tribal family's basket of land for cultivation, floats between three major kinds - titled private lands, untitled wasteland and untitled forestlands; and irrespective of the status of land titles all three kinds are put into use in a cyclical pattern in every 2 or 3 years. The thesis has also discussed a developing pattern between landlessness to encroachment to FRA allotments in Koraput. The household survey showed that 17% of the respondents had no titles over their homestead lands and 14% were without a farmland title. FRA land title was the only land title in such households. Discussions with land authorities brought into light that FRA in Koraput has provided an additional tool to the revenue authorities to give some lands to the landless families. Many activists and researchers in other regions of India have opposed this viewpoint on the grounds that it is against the spirits of the Act. However, in Koraput there is no opposition as the micro-geographical elements (remoteness, lack of education, insurgency, and accommodating nature of bureaucrats) of Koraput overrule the broader outlook of land-activists, making it a unique situation.

A significant lacuna associated with FRA in Koraput is the fact that FRA land parcels are yet to be demarcated on the ground so the ownership of this land at the time of distribution of titles is restricted to the title certificate. As of now, plot-level details of FRA lands are not available for many titles. Specifically, for those which are classified as jungle blocks. Unless survey and demarcation of FRA plot is conducted, no one can pinpoint these plots on ground. On the other hand, functionally, 100% of the title holders knew the location of their forest-farms and they presumed that their FRA titles will overlap with their existing forest farms. Contrary to this, the government bodies involved in FRA did not knew the physical location of these plots. The federal and state level governments have already issued guidelines to include FRA-lands in the RoR of the villages and the tenants, but how this will be done remains unexplained.

9.4 Land Use Practices, Significance and the Future of FRA-lands

In Koraput, forestland cultivation is referred as upland cultivation or *dongar chas*. A close examination of this upland farming system revealed that it is a successor of the slash and burn cultivation which was prevalent in the area until 1980s. The status of these occupied uplands remains undocumented in government land recording system and acknowledgement of usage of these farm lands is also obscure in forest administration. However, claimants had an understanding that they have received titles for these upland farms under FRA. So, there exists a difference in perception of what is locally being settled under FRA in Koraput, which should be a concern for any future land use policies for FRA lands.

60% of the survey respondents mentioned that they practiced upland forest farming on multiple forest plots. In light of predominance of marginal land-holdings and low productivity of forest-farms declines after two or three years of continuous cultivation; additional forest-plots ensures that every year these families will always have a parcel

under cultivation. About 13% of the households had cultivated more than two parcels of forest lands at the time of household survey. Under FRA, these households have received title for one plot of land and they were unsure if they could make claim for more plots. FRA implementing agencies did not take into consideration such elements of land use.

One of the most important future consideration of policy-making on FRA-land should be their contribution to the household's food and livelihood security. Koraput is an ideal example to understand the intensity of use of FRA-lands. Household survey showed that about 79% of the claimants were engaged in cultivating staple food crops on these farms; and out of these, 66% households cultivated two or more crops on their forest plots. Thus, these lands are already contributing to households food-security. Another feature of tribal farming system is the use of multiple types of lands in one farming year. In any given year a household cultivates four kinds of lands to meet their food needs: 1. private rain-fed lands (*pedar*), 2. private low lying paddy lands (*beda*), 3. backyard lands (*baada*) and, 4. rain-fed uplands or forestland (*dongar*). The annual farming cycle of households is significantly affected by their decision to cultivate forestlands or uplands as it tends to be labour intensive and can take 9 to 10 months of work in a year. Thus, there is a need to integrate FRA-lands into the ongoing agriculture or forest productivity programs to ensure that these farms continue to play a role in meeting household food security needs.

It was found out that 30% of the FRA-title owning households had not used their forest farm for the last 7 to 20 years. A majority of these households voluntarily gave up cultivation of their upland farms to protect their local forest resources. Out of the 30 villages, 10 were engaged in forest-protection activities. Another emerging land use included raising tree plantation/orchards (for fruits and paper industry) on FRA-farms; about 10% of the title-holders had invested in such orchards in the last 5 years. In villages where pressure of land shortage was not imminent title holders did not want to take up farm activities on their FRA lands. Thus, the FRA has created opportunities for horticulture-forestry organisations to invest in these FRA-lands and develop them along the principles of agro-forestry practices. The bio-physical differences in farm-land

characteristics are significant in the highlands of Koraput and this would account for a longer and intensive engagement of soil, agriculture and forest specialists with FRA- title owners.

One of the final objectives of this research was to investigate the new opportunities created by the FRA for title owning households. It was found that of the 128 households about 82.8% had received at least one immediate benefits associated with FRA land titles. 66% of the households had received a financial allowance to upgrade their thatch and mud houses to cement-brick house. 23.43% had received a grant for planting fruit trees from the government. 17.18% of the respondents had received an allowance to conduct land-levelling work on their FRA farms. Additionally, many had received direct paid labour work by helping other FRA beneficiaries to construct their new houses, plant trees, remove stones, create bunds and conduct land leveling tasks. The demand for these benefits were such that 88% of the respondents had put new requests for these benefits. Only 22 households had not received any kind of benefits at the time of field work. Most title recipients were excited about the benefits that FRA title has brought to them. In these cases the entitlement (secure land rights) has encouraged title owners to seek other endowments (including education, funds, information, support) to work out a plan for their lands. In doing so, they learned new skills to improve their capabilities to work on these newly entitled lands. In a long term perspective, this situation will have an enduring impact on the livelihood security of these households as discussed in [Sen, 2001]. These initial results can also produce comparative and complementary results for other initiatives of forest land reforms as discussed in [Sikor and Nguyen, 2007] and [Xie et al., 2013].

Village-based discussions have also shed light on the forest-user's perspective and understanding of the FRA. The central benefit from FRA was not the land title itself but the additional opportunities that came along. From a tribal-user perspective, for a large majority of title-owners it didn't mean much to have a certificate for their lands. Irrespective of the title, they had used and treated forest lands as their own. These findings

have parallels to understanding the concept of land and territory in tribal habitations in Africa, where such communities tend to approach them differently and therefore had different values associated to them [Mackenzie, 1989]. Furthermore, in FRA the association of other useful benefits have become a game changer and has pushed the demand of land titles. Most of the survey respondents said that they had no idea why government has given them FRA titles; especially when it was not done so, in the past years. Only in mining-affected villages, respondents knew that the Government was under pressure by ongoing tribal protests to give land titles, but in villages influenced by insurgent activities villagers were not aware of the key reasons. In this region of Koraput, difference in perspectives were wide-ranging even for the villages close to each other. Geographical and ethnic segregation played an important role in the way information is percolated and perceived in these villages. Koraput being a micro-geography is one of the examples where larger policy measures are played out on ground with its own unique local context.

However, irrespective of the level of FRA awareness title-owners felt that government did well by giving them forest land titles. These local findings diverge from the other published research work on forest rights from the regions of Koraput [Kumar and Kerr, 2012] and elsewhere [Rao, 2006, Bose, 2013] where local tribal farmers or forest-dwellers are identified as the key drivers to make demands for forest land settlement. A lack of awareness and non-realization of means to reach out to government officers could be the reason for tribal farmers for not coming forward to make claims on forestland on their own. Delivery of FRA so far in the study region has been more like a top to bottom process rather than a demand driven one. However, with time villagers have started realising the material benefits of having a clear land title. These developments on FRA can further add to the scholarships of land tenure reform in forest communities in an era of globalisation.

One of the most important factors which has led to the clearance of a large number of FRA claims in the region is the overall cooperative stance of the provincial government. Most government officers are under direct orders from their superiors to keep unrest from

possible insurgents under control by any means. Thirty years of confrontation with insurgents has clearly made government agents more accommodating. Similarly, tribes have learn the ways of governments as well. In context of forest farming, they consciously occupy lands that are not under the jurisdiction of the FD to keep away from any official confrontation. The State Government has been pro-active and supportive of the expansion of FRA into a full development focused intervention, which is a positive step. Thesis showed that the operative situation of FRA in Koraput is a good reflection of the theory of politics of bureaucracy [Tullock, 1965] where different bureaucratic agents are interplaying in a complex setting, where they are involved in FRA responsibilities, but are limited by their self-regarding behaviour or their professionally appropriate logic or their single-minded vision to FRA. Similarly, for tribal claimants the FRA has arrived as a game changer in the long run. With ensuing entitlements and continuous efforts to increase capabilities of these title owners it can lead to an empowering transformation of their status of rights. For political actors, FRA will continue to provide avenues for strengthening dialogue with tribal forest-dwellers as legitimate voters. These are interesting prospects for the long-term impact of FRA in tribal territories. However, as it stands today, much needs to be done on the ground to take the message of FRA further. On the one hand, the way FRA has been implemented in the study region, it has taken away the local focus from the idea of securing rights and initiating a discussion on an inclusive policy for forest and land management in the tribal regions; to other things like associated benefits for both the tribal claimants and the Government. Positively, on a larger fronts, the Act is creating ripples in the bigger political and developmental philosophy of inclusive growth in India.

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Appendices

Appendix A

Household Survey

Please turn over to look at a scanned copy of the household survey.

Household Survey- Forest Rights in Koraput –Kamla Khanal- 06.03.2014

Survey Code No:_____
Date: _____

District: Panchayat: Village:
Hamlet:

- Category of the household: ST [ ] OTFD [ ] Any other [ ]
- Kondh [ ] Paroja [ ] Gadaba [ ] Others [ ]
- Pre-FRA status of the household: Landless [ ] or Landed household [ ]
- Household Social Status: High [ ] Medium [ ] Low [ ]
- Household's Religion: Hindu [ ] Muslim [ ] Christian [ ] Other [ ]

1. Household Profile

Name of the respondent:

1.1. Gender: Male [ ] Female [ ]
1.2. Approximate age: _____ years old
1.3. Are you the household head? Yes [ ] No [ ]
1.3.1. If No, then who is?
1.4. Relationship status:
Married[ ] Single [ ] Widow [ ] Divorced [ ]
Separated without divorce [ ] Anyother [ ]
1.5. When did you get married/widowed? Approximate no of years: _____
1.6. Is the household native to the village? Yes[ ] No[ ]
1.6.1. If No, when did you migrate to this village? _____& from where _____?
1.7. Take information about each household member:

Mem No	M/F	Age	Relationship	Education*	Occupation (if any)
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					

*1: Illiterate, 2: primary, 3: secondary, 4: high school, 5: graduate

1.8. If the responded has any functional literacy? Yes [ ] No [ ]

1.9. What are the family's major income generation sources?
Kindly rank based on its importance to the household economy

- Agriculture/Farming-based [ ]
- Forestry- NTFP-based [ ]
- Forestry-Plantations and Horticulture [ ]

- Livestock's-dairy and meat [ ]
- Wage labour in the village [ ]
- Migrate outside the village [ ]
- Small local business [ ]
- Regional Business [ ]
- Salaried jobs-Govt, [ ]
- Salaried-Non Govt [ ]
- Pensioned [ ]
- Other (specify)

2. Information on household land-holdings, ownership/registration and land type status

2.1. If the household has any of the following land types, ask them about where is the land located? And under whose name the land is registered?

Land used for	Land type and area			Land Source*	Year	*Ownership* **		
	Revenue (AJA/AAA/ VF/EN)	Reserve	Forest (RF/PF)			*Record available*		
						Yes	*No*	
Housing (Acr)								
Agriculture (Acr)								
Forest (Acr)								
Grazing (Acr)								
Common (Acr)								

AJA: AbadyaJogyaAbadi, AAA: AbadyaAjogyaAbadi, VF: Village Forest, EN: Encroached Land, RF: Reserve Forest, PF: Protected Forest

**For example- FRA, Bhudaan program, Land-banks (NGO or govt schemes), Mo Kudiya, Vasundhara, BijuKuteerYojana or any other*

*Homestead land: Family joint title or individual title?*_____
*Any other scheme?*_____

Farm Land Breakup

*Paddy-Beda (Wet) land:*_____
*Dry- Peda Land:*_____

*Unabadi (encroached) land in forest area:*_____ *in revenue area:*_____

If any encroachment case is registered by the tehsil office: _____ *if yes, since when:* _____

*Tota (Plantations/trees):*_____

*Beneficiary of a DRDA/ITDA/IWSM scheme and since when?*_____

3. Women/Men and Strategies

3.1. Is your wife or mother a member of any SHG (Self Help Group) in the village?
Yes [ ] No [ ]

3.2. If Yes, Can you name them?
_____
_____

3.3. Do you feel your family has benefitted from participating in such group efforts?
Highly benefitted [ ] Benefitted [ ] Neither benefitted nor lost [ ]
Not-Benefitted [ ]
And why?
_____

3.4. Have you ever visited any government officer regarding your forest rights and titles?
Yes [ ] No[ ]
And why?

If your wife has to talk to any government official will she be comfortable in that?
Yes [ ] No [ ] Somewhat [ ]

4. FRA Land Claim-Individual

4.1. Did you applied only once for FRA land ? Yes [ ] No [ ]
4.2. Were you successful in your first application? Yes [ ] No [ ]
If No, go to 4.6
If Yes,
4.3. In which year did you apply and received the FRA land title?
Applied on [ ]
Received on [ ]
Or don't remember: [ ]
4.4. On whose name is the FRA-land title issued? Man [ ] Women [ ] Joint [ ]
(Please verify from the title)
4.5. Have you received titles for more than one parcel of land under FRA?
Yes [ ] No [ ]

4.5.1. If, Yes, take further details

FRA land	Size in Acres	Use
1		
2		

4.5.2. Do you practice forest farming on more than one patch? Yes [ ] No [ ]
4.5.3. How many patches do you farm inside forest/*pahad* land? : _____

4.6. Were you informed about the reasons for application rejection?
Yes [ ] No [ ] I am not aware of it [ ]
If Yes, go to question 4.8
If No,

4.7. How did you react to the rejection and non-explanation?

_____

4.8. Is the land received equal's the land you had claimed in the application?
Yes [ ] No [ ]
If Yes, go to 4.13
If No,

4.9. What's the difference between land applied and land received?
_____

4.10. Did you consider reapplying for the rejected/unclaimed FRA land claim?
Yes [ ] No [ ]
If No, Why? If Yes, Why?

4.11. Who informed you about the re-application process?
4.12. What new evidences did you provide for the new application?
4.13. Are you aware of the existence of FRC in your village? Yes [ ] No [ ]
Only the President [ ]
4.14. Who helped you in understanding the FRA-land claim application?
FRC [ ] NGO [ ] GOVT [ ] Village Chief [ ] other villager[ ] Teacher[ ]
4.15. Who helped you in filling up the FRA claim form?
FRC [ ] NGO [ ] GOVT [ ] Village Chief [ ] other villager[ ] Teacher [ ]
4.16. What role did the FRC members play in land claiming process?
- They filled up my form. [ ]
- They trained my family member about filling FRA forms. [ ]
- They gave me information material about FRA. [ ]
- They came to my field with other officers for verification. [ ]
- They took me to Govt offices to collect my certificate. [ ]
- FRC discussed my case in the Gram Sabhas. [ ]
- Did not play any role!

4.17. Are you satisfied with the FRC and its performance?
Satisfied [ ] Neutral [ ] Unsatisfied [ ]
4.18. What role did the women of your house played during the process of claim making for individual titles?
- Didn't do anything. [ ]
- Attended Gram Sabha meetings. [ ]
- Participated in activities organised by the FRC. [ ]
- Took active role in filling up the form. [ ]
- Took active role in verification process of the land claimed. [ ]
- Discussed issues with husband and kids in the house. [ ]
- Went to BDO/DM office to collect my title certificate. [ ]

Men's version: _____
Women's version: _____

4.19. Do you know on whose name is the FRA title certificate?
Self [ ] Spouse [ ] Both [ ]

Men:_____
Women: _____

4.20. FRA title is a joint tile do you understand the meaning of a joint title?
Yes [ ] Not Sure [ ] I don't know [ ] No [ ]

4.21. If a woman alone is given titles to mage farm or forest land, will she be able to manage it independently?
Yes [ ] No [ ] No response [ ]

If Yes/No- then why is it so?

4.22. What are the benefits that the FRA individual land title has brought to your family?
_____
_____
_____
_____

4.23. Do you feel that the Forest land title was really needed for your family?, & why?
_____
_____
_____

4.24. What other linkages/facilities does your household prefer or are really needed?
_____
_____

Questions to be asked specifically to the women of the house

Wife available: Yes [ ] No [ ]

5.1. How far is your maternal home from this village?
Village: _____ Distance: _____

5.2. Did your husband pay any bride-price? Yes [ ] No [ ] Don't know [ ]
5.3. What was it? _____
5.4. Did you inherit any of the following from your family during or after your wedding?
Land [ ] House [ ] Gold [ ] Bronze Utensils [ ] Livestock's [ ]
5.5. How many brothers and sisters you were? Brothers: _____ Sisters :_____
5.6. Was your family a landed family: Yes [ ] No [ ]
5.7. Did you ever wished to inherit farm land or family property? Yes [ ] No [ ]
Why? _____
5.8. Why it is that women are hesitant to take farm land ownerships?
_____
5.9. Who will inherit FRA land in your family?
Son [ ] Daughter [ ] Son in Law[ ] Others [ ]

Questions to be asked specifically to the men of the house
5.10. If your wife contributes equally in managing farm and forest land?
Yes [ ] No [ ] I am not sure [ ]
5.11. As a single women claimant, do you think that a woman will be able to enforce her land rights? Yes [ ] No [ ]
_____
5.12. Do you want your daughter to at least inherit/own some land? Yes [ ] No [ ] Not sure [ ]

Questions to be asked to both genders

5.13. Do you know any woman who has inherited any farm or FRA land?
Yes [ ] No [ ]
5.14. Do you know anything about inheritance rights of a women as specified in the HSA/MPLB/ Christian Laws?

6. Community Forest Resources- Claims and Rights

6.1. Are you aware of the on-going Community Forest Rights work in the village?
Yes [ ] No [ ] Somewhat [ ]
6.2. If yes can you please give more details about it?
_____
6.3. How do you depend on the Community Forest Resources? – Make note about the following:

Direct forest needs of the household:

Items collected	Season of collection[1]	No. of Days spent in collection	Quantity Collected (in Kg)	Self-use (kg)	Sold in Market
Timber					
Firewood					
Grass/Leaves-Fodder					
Honey					
SialiLeaves/ Siali seeds/ Siali fibre					
Bamboo Shoots/ Culms					
Wild Banana/Mango					
Tamarind					
Karanj					
Amla/Harida/Bahada					
Hill Broom					
Various Tubers					
Any other					

6.4. Which one is more important for you:
Individual FRA titles [ ] or Community titles [ ]
And why?

7. Post-FRA land use

7.1. If the land claimed under FRA is being used for farming? Yes [ ] No [ ]
7.1.1. If No, what is it being used for?
7.1.2. And since when?
7.2. If the individual land parcels received under FRA suitable for cultivation?

[1]Year round or during Rains (June/Jul/Aug/Sept)- Winters (Oct/Nov/Dec/Jan) and Summers (Feb/ Mar/ Apr/May)

Yes [ ] Somewhat [ ] No [ ]

7.3. How far is your FRA individual land from your house? _____ Km
7.4. Is the FRA land accessible for the whole year for regular cultivation?
Yes [ ] Somewhat [ ] No [ ]
7.5. What crops do you grow on FRA land? And what was the productivity in the last harvest

Crop	Vol Produced	Land used	Sold @

7.6. If, the management practices used for growing crops on FRA land any different from those grown on your non-FRA lands?
Please specify in lines of:
7.6.1. Do you use hybrid seeds? Yes [ ] No [ ]
7.6.2. Do you use manure/fertilizers FRA lands? Yes [ ] No [ ]
7.6.3. Do you use pesticides on the crops in FRA lands? Yes [ ] No [ ]
7.6.4. Have you made any irrigation arrangements on FRA lands? Yes [ ] No [ ]
7.6.5. Is it possible to develop some irrigation facility in future? Yes [ ] No [ ]
7.6.6. Have you fenced/marked your FRA land? Yes [ ] No [ ]

7.7. Do you have trees on FRA land? Yes [ ]No [ ],
7.8. What kind of trees?
7.9. How do you plan to develop/use your FRA-land in next 10-15 years?

Appendix B

Field Notes

Please turn over to look at a scanned copy of the field notes.

Field Note- Unplanned Discussion

Location: Kiosk at Peda Village, Block A Dated: 02.03.2014

Nature of discussion: Unplanned (30 minutes)- OFSDP- NTFP- Work

Subject: Non-timber forest products and OFSDP

Participants: 3 active members and 4-5 passive participants

- Tamarind development cluster is one of the activities of OFSDP that the government of Odisha has funded. Currently only one such cluster is working at Ampavalli GP. It consists of 4 Vana Surakhya Samities (VSS) and supports 9 Self Help Group (SHG) who are directly engaged in tamarind business in the region. The local representative of OFSDP is responsible for organising product management and development training, maintaining ledger and loans, buying final produce and handing it over to the collection centres.
- In 2012, deseeded tamarind was sold by the cluster at a price of INR 33/kg. In general, non-deseeded tamarind is sold at the rate of INR 5-10/kg and the seeds of tamarind also have a market where it is valued around INR 5-6/kg. The 4 VSS could collect and deseed about 11-15 tonnes of tamarind under this initiative.
- In 2003-04, micro planning was undertaken in these VSS areas and those plans are still being used as a guide to support and increase production from these clusters. In many villages there are no VSS. Plantations of teak, tamarind, simarua, chakunda are being taken up in the area under OFSDP programs.
- Scope of monitoring in capacity of govt aided NGOs is very limited in regions like- Pottangi, Narayan Patna and Lamtapur. Due to increase in awareness and identification of needs of forest resources activity like Podu has come down in the region over the years. Coffee is a potential crop, but it has been promoted primarily by the soil conservation and revenue departments in the past. OFSDP has no scope for coffee promotion yet.

Field Note - Summary of a Group Discussion

Location- Village Baka, Block D Date: 31.07.2014

Nature of Discussion: unplanned (20 minutes)- Separated daughters in maternal village

Audio-records available, Field Book: 5

Participants- 4 active and 6 passive

In one of the evenings during village work, we met this young lady outside her house where she shared her experience as a woman who returned to her father's village after a bad marriage. She told us that she was married to a man who lived in a village near the town of Damajodi. He used to drink a lot and was a bad man and she found no household support from her parent-in-laws. Therefore, she left him.

As a child she was raised by her father along with a brother in this village as a landless family. Her father migrated to Baka from another village in search of labour work and got settled.

Upon returning to her village she realised that no one had time or interest in helping her with her new life. She started selling firewood and working as a labour, in return of which she received money and kinds. In early days she lived in a temporary thatch hut which is located on the upper lane of the main village. It's been 10 years now and she could now afford to buy a small plot of land to make her own house in the village. In the last so many years she has not received any support from ongoing welfare schemes including- pension or a labour card.

About FRA, she said she never learnt farming uplands and had only worked as a farm-labour on others land. She knew that her brother has also no access to land and was not aware if he had got land title for land he cultivates. Her only need was that if she can get the MGNREGS labour card provided my government she might get timely paid for her labour work.

Other participants contributed to this discussion by regularly validating and clarifying the state of matter to us. Discussion on MGNREGS and labour cards disclosed that many households in this village needed work and they had often took their representation to the District Administration, but the status has not changed.

Appendix C

Consent Form

Please turn over to look at a scanned copy of the consent form.

HHS 128

ଅଂଶଗ୍ରହଣକାରୀ ସମ୍ମତି ଫର୍ମ

ଗବେଷଣା ପ୍ରକଳ୍ପ ନାମ:

ଗବେଷିକାଙ୍କ ନାମ: କମଲା ଖାନାଲ୍

ସୁପରଭାଇଜର (ପର୍ଯ୍ୟବେକ୍ଷକ)ଙ୍କ ନାମ: ପ୍ରଫେସର୍ ଗ୍ୱର୍ଲସ୍ ୱାଟ୍‌କିନ୍‌ସ୍ ଏବଂ ଡ଼. ସାରା ଜେଭିଟ୍

- ମୁଁ ଗବେଷିକାଙ୍କ ଠାରୁ ଅଂଶଗ୍ରହଣକାରୀଙ୍କ ପାଇଁ ଆବଶ୍ୟକୀୟ ତଥ୍ୟ ତାର ପ୍ରକାର ଓ ଉଦ୍ଦେଶ୍ୟ ବିଷୟରେ ପଢ଼ିଛି ଓ ସେ ବିଷୟରେ ଅବଗତ ଅଛି । ମୁଁ ଏହି ଗବେଷଣା ପ୍ରକଳ୍ପ ବିଷୟରେ ବୁଝିପାରିଛି ଓ ସେଥିରେ ସହଯୋଗ ଦେବାକୁ ସମ୍ମତି ପ୍ରଦାନ କରୁଅଛି ।
- ଏହି ଗବେଷଣା ପ୍ରକଳ୍ପର ଉଦ୍ଦେଶ୍ୟ ଓ ସେଥିରେ ମୋର ଭାଗୀଦାରିତା ବିଷୟରେ ବୁଝିପାରିଛି ।
- ମୁଁ ଏକଥା ମଧ୍ୟ ବୁଝିଛି ଯେ ମୁଁ ଏହି ଗବେଷଣା ପ୍ରକଳ୍ପରୁ କୌଣସି ସ୍ତରରେ ନିଜକୁ ଅଲଗା କରିପାରିବି ଏବଂ ଏହାଦ୍ୱାରା ମୋର ବ୍ୟକ୍ତିଗତ ସ୍ଥିତିରେ, ବର୍ତ୍ତମାନ ବା ଭବିଷ୍ୟତରେ, କୌଣସି ଅସୁବିଧା ହେବନାହିଁ ।
- ମୁଁ ଏ ବିଷୟରେ ମଧ୍ୟ ଅବଗତ ଅଛି ଯେ ଏହି ଗବେଷଣାରୁ ଉଲବ୍ଧ ତଥ୍ୟ ପ୍ରକାଶିତ ହୋଇପାରେ ଏବଂ ସେଥିରେ ମୋ ବିଷୟରେ ବର୍ଣ୍ଣନା ନ ଥାଇପାରେ, କିନ୍ତୁ ମୋର ବ୍ୟକ୍ତିଗତ ତଥ୍ୟ ଗୋପନୀୟ ରହଗାଯିବ ।
- ମୁଁ ଏକଥା ମଧ୍ୟ ବୁଝିଛି ଯେ ମୋ ସହିତ ସାକ୍ଷାତକାରକୁ ଅଡିଓ ବା ଭିଡିଓ ଦ୍ୱାରା ରେକର୍ଡିଂ କରାଯାଇପାରେ ।
- ମୁଁ ବୁଝିଛି ଯେ, ମୋ ଦ୍ୱାରା ପ୍ରଦତ୍ତ ତଥ୍ୟ ତଥା ତଥ୍ୟ ସଂଗ୍ରହ ଫର୍ମକୁ ଗବେଷିକା ନୋଟ୍‌ବୁକ୍, ଅଡିଓ ଟେପ୍, ଭିଡିଓ ଟେପ୍, ସିଡ଼ି ମାଧ୍ୟମରେ ସାଇତି ରଖିବେ । ଉକ୍ତ ତଥ୍ୟକୁ କେହି ଦେଖିବାକୁ ଗ୍ରହିଁଲେ ଗବେଷଣା ଦଳ ସହ ସଂପର୍କ ସ୍ଥାପନ କରି ଦେଖିପାରିବେ ।
- ମୁଁ ଏକଥା ମଧ୍ୟ ବୁଝିଛି ଯେ, ଆବଶ୍ୟକସ୍ଥଳେ ଏହି ଗବେଷଣା ବିଷୟରେ ବା ଗବେଷଣାର ସ୍ଥିତି ବିଷୟରେ ଅଧିକ ଜାଣିବାକୁ ମୁଁ ଗବେଷିକା ବା ଗବେଷଣା ପର୍ଯ୍ୟବେକ୍ଷକମାନଙ୍କ ସହିତ ସଂପର୍କ ସ୍ଥାପନ କରିପାରିବି । ଏଥି ସହିତ ମୁଁ ବୁଝିଛି ଯେ, ଏହି ଗବେଷଣାରେ ମୋର ଅନ୍ତର୍ଭୁକ୍ତତା ସଂକ୍ରାନ୍ତୀୟ କୌଣସି ବ୍ୟକ୍ତିଗତ ଆପତ୍ତି ଅଭିଯୋଗ ଥିଲେ ମୁଁ ନଟିଂହାମ୍ ବିଶ୍ୱବିଦ୍ୟାଳୟର ସ୍କୁଲ ଅଫ୍ ଜିଓଗ୍ରାଫିର ଗବେଷଣା ଆଚରଣ ସଂଯୋଜକ (ରିସର୍ଚ୍ଚ ଏଥିକ୍ସ୍ କୋଅର୍ଡିନେଟର)ଙ୍କୁ ଜଣାଇପାରିବି ।

ଗବେଷଣରେ ଅଂଶଗ୍ରହଣକାରୀଙ୍କ ସ୍ୱାକ୍ଷର: Bhima Bhalia + Kamala Bhalia.

ପୁରା ନାମ: x ..... x .....

ତାରିଖ: 17/07/2014.

(Sindar RV)

ସଂପର୍କ:

ଗବେଷିକା: କମଲା ଖାନାଲ୍

ପର୍ଯ୍ୟବେକ୍ଷକ: ପ୍ରଫେସର୍ ଗ୍ୱର୍ଲସ୍ ୱାଟ୍‌କିନ୍‌ସ୍
ଡ଼. ସାରା ଜେଭିଟ୍

ସ୍କୁଲ ଅଫ୍ ଜିଓଗ୍ରାଫି
ନଟିଂହାମ୍ ବିଶ୍ୱବିଦ୍ୟାଳୟ, ନଟିଂହାମ ।

Appendix D

Transcript of an Interview

Please turn over to look at a scanned copy of the transcript of an interview.

Transcript of a Semi-Structured Interview

Interview of Special Officer: FRA at STSCRTI, Bhubaneswar

Code: INTERVIEW-32

Date: 28.10.2014

Duration: 46.23 minutes

(S: Mr ABC, & R: Researcher) (name of the respondent is not being shared to protect his/her identity)

This transcription is not a word-to-word transcription but has paraphrased, edited for grammar and summarized at a few places to highlight only on the matters relevant for FRA.

Notes: Researcher was introduced to the interviewee by his reporting authority in his chamber and as a precursor to this interview, all three 3 had a brief discussion about the purpose of the researchers visit to their institute.

Basic greetings were exchanged, and permission was sought to audio record this interview for research work.

R: Mr Sahoo can you please share with me how STSCRTI is engaged in FRA work in Odisha? (missing in the audio-recording). Recording begins: 00.00

S: SCSTRTI has completed a study on implementation of FRA with special reference to Community Rights in Odisha, Andhra Pradesh and Chattisgarh. This report is under publication so right and we have made some findings in that study, the report will be out by next April. (00:00-00:35)

R. I thought SCSTRI was only an Odisha-focused institution, but it seems you are working in other States as well. Is that true?

S: We submitted a research proposal to the Ministry of Tribal Affairs in which we proposed to undertake a national-level project for the integration of FRA across the Eastern States of India. Just now I came to know that our institute has been identified as a National Resource Centre for FRA. This status should become will become operational by 01 Nov 2014. (00:52-01:40)

R. That's a big achievement and a big responsibility. Isn't it?

S: Yes, our responsibility is to help the GoI and individual States in the matter of knowledge sharing and preparation of compendium, guidelines and circulars on FRA. As an example, we first prepared such a document for the State of Odisha and now we can prepare similar document for other States. Each such compendium will deal with issue of IFR and CFR (01:48- 02:25)

S: Why did you chose Koraput for your study? Where you aware of the provisions of the Act? (02:38-02:49)

R: Yes, I have been following it since 2008 and there were a couple of reasons to work in Koraput.

S: Why I am asking is, that PVTG habitat rights is a major component in the Act and Koraput has no PTG'S. So, how would you address that in your work? (02:57-03:11)

R: I am not working with the PVTG. I am working with tribal groups in transitions like Kondha, Gadaba and Paroja. With an assumption that in these groups the demand for land titles is more prevalent.

S: What is the title of your dissertation?

R: I started working with gender in FRA but then the initial ground findings made it clear that I can study the whole process of FRA from inception to post-titling and see how gender issues are reflected in each of these phases and what other bigger findings are emerging from a local region (04:00- 04:03). One of them is that in Koraput even non-forest land (pahada-donger-jungle blocks) has been settled under FRA.

S: Only forest land should be settled under FRA, if other kind of lands like revenue lands are also being settled then it's against the Act. I know that the Government of Odisha has undertaken simultaneous programs to settle revenue lands including homestead lands and farm land. If in this process FRA has been used to settle revenue land, then it's a mistake (07:50- 08:12)

R: What will happen to such wrongly settled lands in future?

S: The idea is that STSCRTI has developed a training module which elaborates ,1. the process of settlement of rights; 2. The modalities of providing livelihoods through FRA, and 3. to connect FRA lands with other package of schemes including IAY, NBM etc. (10:07- 11:25). If mistakes have been made in FRA they should be identified and corrected (11:26). We want to pursue the cases where FRA applications has been rejected (11:55)

Our research approach is to pick 2 or 3 States and observe and record good practices and identify grey areas in FRA. These good practices then can be circulated to other States (12:13)

One of the key aspect of our work is to provide training to trainers and develop the compendium as a self-learning tool (13:29).

Clarity on FRA only came after the major amendment of 2012, thereafter, STSCRTI has been providing training to various government functionaries with the help of some NGOs. In our new project we want to develop a direct collaboration with good NGO to help us with awareness generating tools. The trainers identified and trained by SCSTRTI will then further act as trainers in their Districts (14:00- 15:26)

R: Can you tell us if the officials from Dept. of Forests, Dept. of Revenue and Dept. of Tribal Welfare attend your trainings?

S: Yes, all 3 have participated. However, sometime FD officials hesitate to come for trainings. (16:37)

"Telling off the records" (17:08)

Services of the civil society organizations is not fully satisfactory. If they say they are engaged in the activities at ground level in FRA, then how come there are large number of errors in the titles? I have been asking them these questions in all meetings, but they do not have any answer for that (17:40-18:10)

In our new project we will partner with NGOs and develop a self-leaning CD on FRA. Vasundhara (an NGO) has been doing good work by supporting government (19:10-19:45)

R: Can you share if there is sufficient funding available for FRA work?

S: FRA activities receive funds under the Article 275 (A) and it is about 10-15% of that total fund. All the government led activities for FRA in India receive funds this way. Plus, MoTA provides additional fund for monitoring and evaluation. However, the biggest scope of funds for FRA is through the various convergence programs which would sustain it (20:03-20:33)

R: In coming days what will be the focus of SCSTRTI for FRA in Odisha? If any State-level review of FRA is planned in line (21:34)

S: It's not certain if any review will be taken up. The Districts of Kandhamal and Mayurbhanj have shown promising results. District Collectors of these District have been keen on FRA implementation (22:30)

R: One of the common thread that connects Koraput with these two districts is their Collector in position. Mr Rajesh Patil was the collector of Koraput when many IFR claims were filed in Koraput and since then wherever he has gone he has continued to work for the improvement of FRA. (22:54)

S: FRA has been enacted and implemented way better than many other Acts in the recent times. For instance, in tribal areas PESA could not be initiated due to delays in drafting it rules. The Key difference between the two is FRA has support of common tribal as they get direct benefit from it and it affects everyone, but PESA was more for the gains of power for political people in tribal regions. It did not matter much for a common tribal farmer. Thus, PESA could never generate the kind of interest FRA generated. (23:20-25:25)

R: What is your view on the fact that only ST families are getting titles under FRA?

S: The Act was primary made for ST people. Inclusion of OTFD was inspired by politics. For IFR OTFD are yet to get titles (26:05)

R: Is there a plan to give OTFD families titles under FRA?

S: After 2012 Amendment some concessions has been given to OTFD. Under CFRes they will get rights on forests as they are member to a Gram Sabha (20:40)

R: Coming back to your first question of why Koraput - Green cover in Koraput has changed, Forest composition has changed, Relationship of tribes with forest has changed, and Forest dependency of tribes has changed. FRA could have done wonders, but it did not start in an ideal way (28:23 - 31:00)

S: Yes, FRA came as a surprise for us and it was done so with half-preparation (31.12)

FRA can also put a check on whimsical plantations raised by FD in villages (33:40)

In Koraput how many villages did your cover and if there were any forest-villages? (34:40)

R: Government data by FD shows there are no forest-villages (as defined by the British law) but I found out that there were two villages (hamlets) which were yet to be included in the revenue records of villages. The forest reservation case records from 1970-90 showed those villages as encroachments on RF lands.

S: in that case FRA can be of great help to these villages. Do you know if any FRA activities have been undertaken in these hamlets? (37:17)

R: yes, some households have already received IFR titles under FRA.

S: Can you share more details and case studies of these two villages with us? (40:00)

R. Yes, I can, once the summaries of these two cases are ready I can email you. Can you please share how many people work in the FRA unit of SCSTRTC?

S: Only me! It's been two years I took charge as special officer. In the early years of 2209 when FRA came into being I immediately rushed to the fields to do a quick assessment of the matter in the State and highlighted problems associated with it. Only a few ST households then took interest in FRA, Government functionaries knew nothing about the Act and funding was non-existent. Things are different this time. We have achieved a lot in the past 3 years of FRA since the Amendment were realized. Even MoTA did not prepare and translation of the Act but Odisha Government was proactive, and we were the first one to do that (41:54-45:00)

R: Thank you for sharing your thoughts with us, can I also request you to allow me to use/include information you have provided through this interview in my research writings? I have prepared a consent form for you to sign.

S: In such a case, I need to ask my boss to approve it. If he gives permission, then I have no problem with it.

R: that should be ok, thank you I will ask Mr Ota about it when I meet him later in the day. Thank you again.