Case Study:
Odisha-Successful implementation of the Forest Rights Act (making a difference in Karlapat Wildlife Sanctuary, Kalahandi district)

75 year old Sita Majhi of Tentulipadar village recalls the day when he first came to the forest area of present day Karlapat Wildlife Sanctuary along with his father who was a palanquin bearer for the king of Kalahandi. The surroundings of Tentulipadar appealed to the boy so much that he preferred to stay back and today he claims to be a witness to all the developments in and around the area.

Brief History
Tentulipadar is a small village of 11 households situated inside the Karlapat Wildlife Sanctuary of Kalahandi district. All the residents belong to the Kandha Tribe (Scheduled Tribe -ST). As the tale goes the village got its name as 'Tentulipadar' because of the presence of large number of tamarind (tentuli) trees in its vicinity. The village has a history of over 100 years. According to Sita Majhi, his father used to carry the King and Queen as well as their luggage (bigadi) to Bhawanipatna. Their forefathers used to pay khajana (tribute) to the king and they were permitted to practice ‘Podu chas’ \(^1\). Post independence, in the ex-state \(^2\) Kalahandi, podu cultivation was given a legal status. In this arrangement people were allowed to practice podu by paying a nominal fee of 50 paisa per tenant (kodki) and each tenant was permitted to practice this cultivation in a maximum area of 5 acres (Revised Working Plan Kalahandi Forest Division 1997-08 to 2006-07).

Sita Majhi and his family members say that though this village had a history of more than 100 years, the administrative apathy was such that they led a life of constant insecurity. They were always fearful of eviction from their own village, as even many years after independence they did not get legal ownership of the land on which they reside and neither did they get rights over their forest resources which they had been traditionally accessing and depending upon. In this context, the Forest Rights Act has come as a boon for the villagers as it has given them social identity, economic stability and legal security over their culture and traditional rights over their resources.

Status prior to the Forest Rights Act
Being an ‘un-surveyed’ village inside the sanctuary, the members of Kandha tribe were tagged with the label of ‘encroachers’ and they have been paying encroachment fine to the revenue department. The Kandha tribe worships nature and has a symbiotic relation with the forest. It is culturally and spiritually linked with the forest and the forest serves as the main source of livelihood for them. They have been traditionally accessing as well as protecting the forest resources. The forest provides food security to these tribals for a period of 4-6 months every year.

Box 2: Dependence chart on the forest resources (Seasonal basis)

<table>
<thead>
<tr>
<th>Seasons</th>
<th>Forest Produce</th>
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<tbody>
<tr>
<td>Summer</td>
<td>Char, Sal seed, Mahula, Kendu, Mango, fuel wood.</td>
</tr>
<tr>
<td>Monsoon</td>
<td>Hoirada, Amla, Bahada, Sal, Shikakai, Mushroom, Konda of all varieties, fruits.</td>
</tr>
<tr>
<td>Winter</td>
<td>Siali, Alsi, Harada, Amla, fuel woods and fruits, Neem, Chirota (medicinal plants) etc.</td>
</tr>
</tbody>
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\(^1\) Podu Chas refers to shifting cultivation practices.

\(^2\) Ex-states are the same as princely states. The Report on Land Tenures & The Revenue System of the Odisha and Chhattisgarh states (P.K Ramdhany, Esq. I.C.S, Volume III – The Individual States) and Revised Working Plan for the Reserved Forest and Proposed Reserve Forest, Kalahandi (1997-98 to 2006-07)) mentions such areas as ‘Ex-states’ areas. These areas were under the direct control of the traditional ‘rajas’.
Earlier, each household of Tentulipadar village would earn around Rs 10,000/- on an annual basis by selling Non Timber Forest Produce (NTFP). As the village is within the sanctuary, the Wild Life Protection Act, (1972), as well the Supreme Court’s order (year 2000) banning NTFP collection was strictly imposed on them. Since 2000, they have not been allowed to collect any forest produce or even till the forestland which was their primary source of livelihood. Forcible plantation was done on their agricultural land and they were forced into a life of distress and destitution.

Status after the implementation of Forest Rights Act

In January, 2008, they came to know about the new law ‘The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act’, popularly known as the Forest Rights Act. The 19 villages within the Karlapat sanctuary area, came together to form the ‘Karlapat Bananchal Surakhya Parishad’. The idea was to make a more concerted effort towards the implementation of the FRA. The women (from the area), who were also the worst sufferers due to the restrictions and impositions put on them, resolved to be in the forefront of the whole struggle to win back their rights over natural resources.

Consequently Forest Rights Committees were formed in each of the villages and one of the brightest examples of women’s empowerment could be witnessed in the fact that in each of the villages inside Karlapat Sanctuary, the president and secretary of the Forest Rights Committee (FRC) are women.

Under the Forest Rights Act, the villagers of Tentulipadar have reclaimed their agricultural land which they had been cultivating for ages but were not allowed to continue with, due to strict restrictions imposed by the Forest Department. The villagers have also identified various user groups within their village like NTFP gatherers, traditional healers, graziers, women’s groups, etc. who frequently access the forest for different purposes. Based on the nature and extent of dependence upon and access to the forest resources, the villagers thus determined their customary village boundary and have also claimed it as ‘Community Forest Resource (CFR)’ under the Forest Rights Act.

Each of the villages within the sanctuary has started the process of determination of rights. These relate to:

i. Identification of rights (individual and community rights),
ii. Filing and consolidating claims,
iii. Evidence gathering and verification.

Along with the individual rights of occupation and self-cultivation, the local community has made community claims on:

iv. Minor forest produce, water bodies,
v. Grazing, access to biodiversity,
vi. Community right over intellectual property relating to:
   a. Local knowledge of biodiversity use,
   b. Local knowledge of medicinal plants etc., and
   c. Traditional rights of access and use of sacred forest patches worshipped by the community.

Now, happiness can be seen on the faces of the inhabitants as the verification process of the claims is already completed in the village and people have received titles over their land. The agricultural land brought under plantation, which the villagers have claimed under the FRA has also been verified by both - the Forest and the Revenue

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3 Under the FRA, all the forest land under occupation prior to Dec 13th 2005 can be claimed. Hence villagers can also claim the land where they practice shifting cultivation. In the case of Tentulipadar, people practice settled as well as shifting cultivation and claims have been filed under FRA over all categories of land where they are cultivating land.
Departments - and it is expected that their claims over the same will soon be accepted. The process of verification of CFR claims has also begun in the area and people are hopeful that they would very soon get rights over the CFR areas also. Now they would not only have ownership rights but also the right to protect, conserve and manage the area. Odisha is the first state where the state government has proactively implemented the Act and titles have been given to claimants even within the sanctuary. So far nowhere else in India has any title been issued to people within a sanctuary or national park. Hence the Government of Odisha needs to be applauded for its efforts to implement the Forest Rights Act in letter and spirit.

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