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# "Jaan De denge, Zamin Nahi Denge"-Forest dwellers in Odisha protested against attempt to dilute FRA 2006

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**By Sarada Lahangir, Bhubaneswar:** "Jaan De denge, Zamin Nahi Denge" (we can sacrifice our life but will not allow anybody to take away our land) forest dwellers, who were participated in the Jail Bharo Andolan against the attempt to dilute FRA, looked furious while giving this slogan in the capital city of Bhubaneswar.

For Bati Tigga, 45, a participant and a landless tribal woman of Sundergarh district, a piece of land of her own is more precious than her life. "I have spent my entire life working as a wage laborer. We have been depending on the forest for our survival. My family acquired a piece of land in the forest area and we used to grow millets and pulses in the land but forest department many times harassed us and drove us away. We were not even allowed to enter to the forest to collect minor forest produce so we had no choice except to depend on the wage. It was always a struggle for us to arrange square meals for our family. Now after long years when the Forest Right Act came in place, forest dwellers like me started dreaming for a better life and better future by having ownership of our piece of land where we use to live since generation. After getting a piece of land I am not going to work as a laborer. I can ensure food security for my children. But now again the Government tried to snatch our right over our land." Bati regretted.



Jamani Sikoka, 50, a dongria tribal woman from Niyamgiri hill was living a peaceful life with her family in Niyamgiri. She collects minor forest produce from the forest and grows pine apple trees in her place where she is living. She worship Niyamgiri hill because she believe that the hill is providing her the source of living as well as the fresh air and water to survive. Due to this the Dongria tribe came together to fight against the big corporate giants Vedanta to protect their hills. It was the historic forest right Act 2006 for which the tribal won this battle by saying no to Vedanta in their Gramsabha. But now she is scared by the attempt of the Government to dilute the FRA.

"I don't know many technicalities of the policy and Act. I know that Government has given power to the Gramsabha and through the Gramsabha we people will decide whether we will give our land or not. But now the attempts are being made to withdraw the power of our Gramsabha. This attempt is definitely be a threat to our hill and forest and we will not let this happened." Jamani said. The Historic Forest Right Act 2006 has given reason to smile to thousands of forest dwellers like Bati and Jamani. But the attempts of both the Central and State Government to dilute the Authority of the 'Gram Sabha' establish under Forest Rights Act, 2006, forced the forest dwellers to start this Andolan. This is being organized by The State Chapter of Campaign for Survival and Dignity (CSD) Odisha which played a vital role in mobilizing the tribals and forest dwellers across the States for the enactment of historic FRA in 2006 and presently monitoring its implementation all over the States.

CSD condemned the Central Govt. for the recent anti-people "Land Acquisition Ordinance" brought by the Central Govt. which again undermines the authority of the Gram Sabha and also condemned the State Govt. for its failure to recognize the Community Forest Rights even after implementation of FRA since 2008 in the State.

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Forest Rights Act (FRA), 2006 is a landmark social legislation which has brought in significant reform in the forest tenure and governance system of India to ensure security of rights and livelihoods to millions of Adivasis and forest dwellers. It not only aims at establishing direct democracy at the grassroots but also vests community ownership rights over its natural resources. FRA has changed the very concept of "Sarkar" and has recognized the Gram Sabha (the village council) as "Gram Sabha Sarkar" over its people and over all its natural resources and has entrusted the State Governments and the Central Government as the custodian of these resources which has also been upheld by the Hon'ble Supreme Court of India in the historic Niyamgiri Case on 18th April 2013. This Forest Rights Act, 2006 has not only revived the provisions of the Central PESA Act, 1996, but also has extended the provisions of the PESA even to all the non scheduled areas. However, after the formation of NDA Government at the Centre, it is consistently trying to dilute the authority of the Gram Sabha established by the FRA, 2006 particularly for the diversion of forest land for non-forest purposes.

"It is a matter of great concern that the statutory rights and authorities vested by the FRA in the Gram Sabhas are being diluted by mere executive orders and directions issued by the Ministry of Environment, Forest and Climate Change (MoEFCC) of the central government. Disregarding objections raised by the Ministry of Tribal Affairs (MoTA), which is the nodal agency for implementation of FRA, the MoEFCC has issued guidelines on 28th Nov 2014 seeking exemption of the requirement of Gram Sabha consent in blatant violation of the FRA. The MoEFCC order is not only illegal and arbitrary to FRA but also it tries to take away the rights of the Other Traditional Forest Dwellers (OTFDs) over forest and forest land. It also arbitrarily over empowers the District Collectors to certify whether the FRA implementation is completed in the villages or not. Besides this 28th Oct 2014 order arbitrarily redefine the meaning of the forest land and contradictory to the Supreme Court's verdict over forest land." Dr. Manohar Chouhan, a forest right activist and member of CSD criticized the Environment ministry.

"The very recent anti-people "Land Acquisition Ordinance" of the Central Government has unearthed the collusion of the Central Government with the Corporate Sectors before and after General Election. This Ordinance reestablishes the original Act of 1894 enacted by British Imperialism. It totally ends the democratic process and the Social Impact Assessment (SIA) introduced in 2013 by UPA-I where the district Collector would have supreme Power to acquire land." Gopinath Majhi, convener of CSD, alleged. Pointing out the conflicts between MoTA and MoEFCC, he further said "when the Ministry of Tribal Affairs (MoTA) continues to dismiss any dilution of the power of the gram sabha under FRA and trying keep face value of the Govt., the MoEF which is supposed to save forest is seriously engaged in executing the will of the Central Govt. to please the Corporates for whom the Central Govt. has come into the power".

Attacking the State Government, the forest right activist Anna Kujur, from Sundergarh Alleged that "While the Govt. of Odisha claims to be No.1 in the whole country in distributing highest number of Individual Forest Rights (IFR) titles, the fact is that in maximum cases, IFR titles have been distributed without proper demarcation/verification of the occupied and claimed forest land leading to serious conflicts in the coming days. The IFR claims of OTFDs have been arbitrarily rejected by the Sub-Divisional Committee (SDLC)/Bureaucrats and all the blame has been put upon the Gram Sabhas."

Commenting on the recognition of Community Forest Rights in the State, it is contended that "not a single Community Forest Rights title has been properly issued in the State as per the claim filed in "C" form and Govt. of Odisha is misleading the MoTA over the actual Community Forest Resource (CFR) area distributed in the State. Most of the so called CFR titles issued in the State are faulty in nature and misguiding one.

In the proposed mining and industrial areas/districts, the FRA is not implementing at all. In these areas, in spite of making people aware on their forest rights, the FRA Sub-Divisional Committee (SDLC) and District Level Committees (DLCs) hands in glove with both private and public sector companies are seriously engaged in collecting forged Gram Sabha resolutions (required under Forest Conservation Act, 1980s and FRA for diversion of forest land for non forest purposes) and getting the projects sanctioned.

"While FRA,2006 supersedes all previous forest, wildlife, land, Minor Forest Produce(MFP),Panchayatiraj Acts, Rules and all Administrative and Supreme Court's Orders where recognition of forest rights of tribals and OTFDs are concern, the State Forest Department continue its "Junglee Raj" by restricting the tribals and forest dwellers of the State to collect MFP from Sanctuaries and National Parks and obstructing them to be benefitted under Minimum Support Price(MSP) recently launched by MoTA in July 2014 by showing the outdated and irrelevant Supreme Court's Orders of dated 14.2.2000.Despite provision under FRA, Govt. of Odisha has failed to identify and convert thousands of forest/un surveyed villages into revenue villages, has failed to recognize the 'Habitat Rights' of 13 Primitive Tribal Groups(PTG) of the State etc." Land right Activist and President, Lok Sakti Abhijan, Prafulla Samantra said.

"Today we five thousand forest dwellers have come to show our anger and to protest here, if Government will not listen to us than fifty thousand forest dwellers will be here in the roads to protest. We will not allow anybody to take our land and we will not leave the forest".Harabati Gond, president of Adivasi Janajati Adhikar Manch, Nawrangpur, asserted.

Meanwhile the CSD has submitted a memorandum to the Hon'ble Governor and also to the Chief Minister of Odisha demanding:-

- To stop the attempts to undermine the Power of the "Gram Sabha Sarkar" by diluting Forest Rights Act, 2006 and since 28th October 2014 MoEF Order is one step ahead to dilute the Authority of the Gram Sabha, withdraw it immediately.
- To Withdraw the Anti-people "Land Acquisition Ordinance".
- To let the "Gram Sabha Sarkar" decide any diversion of forest land for non forest works including allowing Khandadhar to POSCO, construction of Polavam Dam etc.
- To Respect the decisions of the Gram Sabha Sarkar in the determination of the boundary of Community Forest Resource (CFR) Area.
- Not to initiate any process for the diversion of forest land in any village before completion of Individual and Community rights recognition and settlement process. To Stop Interferences of Bureaucrats in recognizing Individual Forest Rights of the OTFDs and respect the Gram Sabha's recommendation for it.
- To withdraw all Forest Offence Cases filed against Tribal and OTFDs before and after FRA, 2006.ToDo proper verification of the IFR claims, correct all faulty IFR titles issued and stop any kind of plantation over the cultivable land (the rice bowl) of tribals and OTFDs.
- To Ensure Community Ownership rights (collection and disposal) over Minor Forest Produce from all forest areas irrespective of Reserve Forests, Sanctuaries and National Parks and return back all the income generated from Kendu Leaf business from last 2006 to its real owners, the KL Pluckers of the State.
- To identify all the forest and Un-surveyed villages in the State and convert them in to Revenue villages as per the guidelines issued by MoTA on 8th Nov 2013.
- To Recognize the PTG Habitat rights of all the 13 PTG/PVTGs of the State so that these areas can be better protected from destruction.

*(Sarada Lahangir is a senior journalist and researcher presently working under Inclusive media –UNDP fellowship)*



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