

1.13 RIGHTS AND CONCESSIONS

1.13.1 Rights and concessions in different legal types of forests have gradually evolved over time. All rights or concessions or privileges are subject to the condition that if a given forest resource is exhausted or detrimental to the general health of forests; all rights, concessions or privileges shall cease to exist. Even, the National Forest Policy, 1988 prescribes that, enjoyment of rights and concessions should be subject to carrying capacities of forests, and availability of adequate quantities of relevant forest products, without jeopardising regeneration of forests. This principle shall be strictly followed in the Division.

1.13.2 Rights under Estate Rules

1.13.2.1 As per rule 5 of the Jeypore Forest and Waste Land Rules of 1895, the bonafide hill ryots (also called "privilege holders") had been allowed cutting of trees up to 3 feet girth, free of charge and without permit, in Reserved Lands for their consumption. Other persons, not being bonafide hill ryots, but inhabiting the estate, were allowed to use specified forest produce under "Permit System" after payment of such fees as were prescribed in the Schedule of Rates for all timber and other produces.

1.13.2.2 As per the amendment of the said rules in 1916 and notified in the year 1922, the "privilege-holders", were also allowed free of charge, the removal of reserved class trees inclusive of sal, bija and teak upto 3 feet from Unreserved Lands and Protected Lands for their own bonafide consumption. Besides this, they were allowed to graze their cattle and to remove other forest produce. For the non-privilege holders, another system was introduced during the year 1923. This was called as "Annual Royalty System" or locally called as "the plough tax" by virtue of which an annual royalty of one half to one rupee per plough was collected from the tenants for allowing them to remove reserved class trees up to 3 feet girth for making ploughs. This practice was discontinued in 1949.

1.13.3 Rights under Anchal Administration

1.13.3.1 With the vesting of Ex-Jeypore estate with the State of Orissa vide Govt. Notification No.8231/R dt.29.12.1951, the Protected Lands and Unreserved Lands continued to be right burdened as they were earlier. At the same time, a few rights such as right to use specified foot-paths and cart-tracks, the right to worship at the specified shrines inside the Reserved Lands and the right to use water and fishing in hill streams were admitted in the Reserved Lands. These concessions were otherwise also allowed in accordance with Rule 6 of the Koraput Forest Rules, 1956. Grazing was also allowed inside Reserve Lands on payment of a very nominal grazing fee of two anna per buffalo, bullock, cow or pony, one anna per calf and sheep and one and half anna per goat, in case of permanent residents of the adjoining villages, and at twice these rates for outsiders.

1.13.3.2 The resident hill tribes were allowed to practise mass-hunting in the Reserve Lands adjoining their villages for the annual festival popularly known as "Chaitra-Bento Parba" during the summer season. This annual mass-hunting of animals has significantly contributed to extermination of a large number of games.

1.13.4 Rights under Orissa Forest Act'1972

1.13.4.1 On implementation of the Orissa Forest Act, 1972 number of Reserve Forests have been constituted where in rights and concessions of the local people have been duly inquired into by the Forest Settlement Officers; and the admitted rights and concessions as well as privileges are duly listed in the relevant Govt. Notifications issued U/S 21 of the said Act.

1.13.4.2 Some common rights, concessions or privileges, admitted in different Reserve Forests are as follows:

- (i) The villagers are allowed to collect firewood for their domestic needs and allowed to graze their cattle subject to restrictions as may be imposed by the Forest Department from time to time. However, the browsers and grazers are not allowed in the regeneration & plantation areas to encourage regeneration and growth of plantations
- (ii) Right to collect and remove edible roots, fruits, minor forest produce such as mohua, kendu, char, siali leaves and others except sandalwood & cashew nut, free of cost, for domestic consumption. However, girdling and tapping of trees are forbidden. They are even forbidden to collect these items from the trees which have been planted by the Forest Department
- (iii) Allowed to collect thatching grass subject to payment of fees as usual
- (iv) Right to enjoy fruits of horticultural plantations, permitted within the boundaries of Reserved Forests, as may be decided by the Collector of the District, in consultation with the Divisional Forest Officer concerned would be available to the village community or to specified individuals which includes their successors in interest
- (v) Right to use specified roads, foot-paths and cart-tracks running across the specified reserved forests to adjoining villages subject to such restrictions as may be imposed by the competent authorities;
- (vi) Rights are not to be bartered or transferred. However, they shall pass on to their successors

1.13.4.3 The specific rights admitted and restrictions imposed in certain RF blocks include the following

- (i) Allowed to offer 'puja' inside the RFs like Pedakonda; Almonda; Barijholla; Chatwa; Thuba and Geruput
- (ii) In Ramanaguda RF, allowed to take water for irrigation purpose as per the existing law on payment of water rate as may be fixed by the competent authority, if any
- (iii) Grazing is prohibited in Powlput RF as there is an unreserved forest nearby.
- (iv) In Kanupulisee RF, the genuine inhabitants of the neighbouring villages are allowed the felling of trees that are not of the reserve category, free of charges, for their genuine agricultural & domestic purpose. The privileged holders are also permitted to cut, free of charge subject to marking

- of trees by the Forest Department & issue of free permit on unreserved land for their own genuine domestic consumption, reserved trees up to 3 feet girth.
- (v) In Yasada RF, collection of siali leaves & fibres besides dead trees is allowed subject to the regulation made by the Forest Department
 - (vi) In Bamandeo RF, allowed to graze their cattle inside the block without payment of the prescribed fees.
 - (vii) In Geruput RF, the villagers of Tala & Upara Geruput have rights to remove 'geru' earth for plastering house walls and floors.
 - (viii) In Ampaballi RF, they are allowed to collect timber of unreserved species for agricultural and domestic purposes free of any charges

1.13.4.4 However, in some RF blocks like Dhepaguda Extension; Bhairaguda alias Kudilima; Minabai; Paluru; Kumbhari; Buduni and Garabari, no rights & privileges have been admitted.

1.13.5 In view of the ban on "green felling" in Koraput District, since 1990, some of these rights, such as removal of timbers for house building materials, have been affected. Timber for house building, for fire affected persons and for agricultural implements are to be supplied through M/S OFDC Ltd from their depots. In addition, Government in Forest and Environment Department have been pursuing since 1988, a policy of encouraging peoples participation in local forest management and of devolving greater usufruct rights on people. This is being done under JFM programme through a Memorandum of Understanding (MOU), jointly agreed by the Forest Department and the interested local people. However, details on JFM are mentioned below in paragraph no 1.16 of this chapter.

1.13.6 Further, as per the Govt policy of March'2000 on MFPs, 68 numbers of these items are transferred to the Panchayats for their collection and disposal. The Forest Department does not charge any royalty on these 68 MFP items. However, details of this policy are dealt in Chapter-3 (Utilization of Produce) and Chapter-17 (Non Timber Forest Produce (Overlapping) Working Circle)