

# FRA Habitat Rights for PVTGs — Odisha's Landmark Achievement and the Work Ahead

This is a genuine achievement by the Odisha government and a landmark moment for PVTG rights in India. It is also, as the Indispend investigation published in November 2024 found, a moment whose significance "is yet to reach many members of the community." The Mankidia elder Souv...

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**B** practice-note Social Justice & Tribal Welfare

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## What Habitat Rights Are — and Why They Differ from IFR and CFR

**Section 3(1)(e) of the Forest Rights Act 2006** provides for habitat rights — the third major category of rights under the FRA, alongside Individual Forest Rights and Community Forest Rights.

The FRA defines habitat in Section 2(h) as "the area comprising the customary habitat and such other habitats in reserved forests and protected forests of primitive tribal groups and pre-agricultural communities and other forest dwelling Scheduled Tribes." The habitat includes the places where tribal and other traditional forest dwellers have ancient connections in spiritual, cultural, social, and livelihood matters.

### What makes Habitat Rights distinct:

**Scope:** Habitat Rights cover the entire traditional territory of a PVTG community — not just a particular village's forest area (as with CFR) or an individual family's cultivated land (as with IFR). For semi-nomadic communities like the Mankidia, whose traditional territory extended across multiple habitations and forest areas, habitat rights encompass the full geographic range of their traditional movement and use.

**Collective institution:** Habitat Rights are mediated by the community's traditional institutions — their traditional leadership structures, not necessarily the formal gram sabha — reflecting the recognition that PVTG communities have their own governance systems that predate and operate alongside formal panchayati raj structures.

Multi-community overlap: Habitat rights explicitly recognise that many PVTG habitats overlap with other communities' territories — based on "age-old traditions of mutuality and reciprocity." The rights framework accommodates this shared-use reality rather than imposing exclusive territorial claims.

Content: The recognition of Habitat Rights grants the PVTG community:

- Possession rights over their customary territory for habitation
- Rights over their economic and livelihood means within the habitat
- Rights to practise their traditional knowledge and ecological management
- Protection of their natural and cultural heritage within the habitat
- The right to manage and conserve forest resources within the habitat

Note what Habitat Rights do not grant: ownership of land in the proprietary sense. The rights are use rights, management rights, and protection rights — which are nonetheless enormously significant in a context where these communities have historically been treated as illegal encroachers in their own ancestral territories.

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## Odisha's Habitat Rights Journey: The Current Status

As of late 2024, Odisha has granted Habitat Rights to these PVTG communities:

1. **Paudi Bhuyan, Deogarh district** — 32 villages under Barkote block (March 2024 — first in Odisha)
2. **Juang, Jajpur district** — 13 villages under Sukinda block (August 2024)
3. **Juang, Keonjhar district** — 134 villages across four blocks (August 2024 — largest single Habitat Rights recognition in Odisha to date)
4. **Mankidia, Mayurbhanj district** — September 2024
5. **Saora, Gajapati district** — approved 2024
6. **Chuktia Bhunjia, Nuapada** — approved 2024

Vasundhara's mapping identifies 2.27 million hectares of potential Habitat Rights area in Odisha — of which 1.12 million hectares are under forest. The potential for recognition across all 13 PVTGs is enormous. The 13 PVTGs inhabit 1,683 villages in 14 districts, with a population of 7,73,092.

The remaining 7 PVTGs — Birhor, Bonda, Didayi, Dongria Kondh, Kharia, Kutia Kondh, and Lanjia Saora — are at various stages of mapping and claim preparation. The Birhor and Bonda in particular, with very small populations in extremely remote forest areas, face both the most urgent need and the most significant documentation challenges.

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## The Gap the Indispending Investigation Identified

The November 2024 Indispending investigation, reporting from Durdura village in Mayurbhanj among the Mankidia, found a pattern that should be read carefully by any NGO designing post-recognition work.

The Habitat Rights certificate had been granted. Most community members did not know what it contained. The younger generation, facing declining demand for traditional Mankidia rope-making (siali leaf ropes competing with plastic alternatives) and seeing higher-paying daily labour available in construction, were increasingly migrating — to Chennai and Gujarat — rather than staying in the forest community to which the Habitat Rights had been granted.

The elder Paltun Mankidia's words capture the challenge: "We were born and raised in this village and also received our education." The implication: education and economic integration with the mainstream economy were happening alongside, and sometimes at the cost of, the cultural and livelihood connection to the forest that makes Habitat Rights meaningful.

This is the post-recognition challenge that no legal document addresses: keeping the rights meaningful requires keeping the economic and cultural relationship to the habitat viable. Where traditional livelihoods are economically non-competitive with migration wages, legal recognition of habitat rights does not by itself prevent the drift away from those habitats.

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## The NGO Role: From Paper to Practice

### Role 1: Awareness within communities that have received recognition

For all six PVTGs that have received Habitat Rights recognition, the immediate facilitation need is community-level awareness — what the Habitat Rights certificate means, what it entitles the community to, and what institutions (traditional leadership structures, gram sabha, DLC) are responsible for its implementation.

#### Practical approach:

- Community meetings — in the tribal language — going through the Habitat Rights certificate section by section. What land area does it cover? What rights does it grant? Who is the institutional authority for exercising those rights?
- Map the habitat boundary with community members — walking the boundary where feasible, or reviewing the documented boundary — so that every community member can articulate where their habitat begins and ends

- Identify the traditional institution through which the rights will be exercised — the traditional leadership body, village council, or equivalent — and clarify how this institution relates to the gram sabha

## **Role 2: Claim facilitation for PVTGs without recognition**

For the seven Odisha PVTGs that have not yet received Habitat Rights recognition, the facilitation need is on the claim preparation side. The process involves:

**Step 1: Community consultation and boundary identification** The DLC (District Level Committee, headed by the Collector) initiates the process by identifying traditional community leaders and documenting historical rights. Vasundhara and SCSTRTI have mapped potential habitat areas — making contact with both organisations is the starting point for any NGO wanting to facilitate claims for unrecognised PVTGs.

**Step 2: Documentation of traditional use and occupation** Unlike IFR and CFR claims, Habitat Rights claims require documentation of the community's traditional movement patterns, seasonal use of different forest areas, cultural and spiritual connections to specific sites, traditional governance structures, and traditional livelihood practices within the habitat. This documentation requires ethnographic sensitivity and extended community engagement.

**Step 3: Consultation with district administration** Coordination between the Forest Department, Revenue Department, Tribal Welfare Department, and Panchayati Raj Department is required. SCSTRTI's role in researching the uniqueness of Odisha's 13 PVTGs has been central to the recognition process — working with SCSTRTI on documentation strengthens the claim.

**The mining overlap challenge:** Vasundhara's mapping found that many potential Habitat Rights areas overlap with mining projects or areas diverted for industries. The November 2024 Indispend investigation quotes Vasundhara's representative directly: "Many of these rights given in forest land can be diverted for mining in the future." This is the most critical vulnerability in Odisha's Habitat Rights framework: recognition does not prevent subsequent mining diversion if the political will to protect the recognised area is absent. Ongoing monitoring and advocacy — specifically tracking whether recognised Habitat Rights areas are being proposed for mining diversion and filing legal challenges when they are — is the most urgent post-recognition protection work.

## **Role 3: Livelihood viability for Habitat Rights to matter**

The Mankidia rope-making observation from Durdura village points to the most fundamental post-recognition challenge: Habitat Rights are meaningful only if the communities they protect have livelihoods that make staying in their habitat viable.

For each PVTG community that receives Habitat Rights recognition, a livelihood viability assessment is needed:

- What traditional livelihoods are currently practised, and at what economic level?
- Which livelihoods are becoming non-competitive (due to synthetic alternatives, market decline, or conservation restrictions)?
- What sustainable livelihood alternatives exist that are grounded in the habitat (forest-based, not requiring migration)?
- What certification, market linkage, or value addition can improve income from traditional livelihoods?

For the Mankidia specifically, siali rope-making faces plastic competition — but wild honey collection, traditional basket weaving, and guided forest walks for eco-tourism represent livelihood opportunities that keep the community in their habitat. For Bonda communities in Malkangiri, traditional weaving and body adornment craft are culturally central and have potential premium market value. For Dongria Kondh in Rayagada, forest produce collection and organic cultivation in their Niyamgiri habitat are the livelihoods most worth strengthening.

The connection to the NTFP Market Development Practice Note and the Artisan Market Development Practice Note is direct: Habitat Rights recognition and livelihood development for the communities that hold those rights are complementary and must be designed together.

#### **Role 4: Protection advocacy — mining diversion monitoring**

Given the documented risk that Habitat Rights areas could be diverted for mining, the NGO role in protection advocacy is specific:

- Monitor the Odisha government's mining lease notifications for any proposed leases that overlap with recognised Habitat Rights areas
- When overlap is identified, support the community's traditional institution in formally objecting under FRA Section 5 (which gives gram sabhas and village-level institutions the authority to stop activities that adversely affect wildlife, forests, and biodiversity in areas where they hold rights)
- Connect with Vasundhara and Agramee for legal support when objections are filed and need to be defended

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## **The PM-JANMAN Connection**

The Pradhan Mantri Janjatiya Unnat Gram Abhiyan (PM-JANMAN, also known as Dharti Aaba Janjatiya Gram Utkarsh Abhiyan), launched in 2023 and approved by the Union Cabinet in September 2024, is the central government's largest-ever tribal development programme. It aims to benefit more than 5 crore tribal people through 17 line ministry collaboration on health, education, connectivity, housing, and livelihoods in PVTG-concentrated areas.

For NGOs working with PVTGs that now hold Habitat Rights, PM-JANMAN is the primary government convergence scheme. The PM-JANMAN framework includes housing (PMAY-G), water (Jal Jeevan Mission), roads (PMGSY), and livelihood support specifically for PVTG habitations. Ensuring that PVTG communities with recognised Habitat Rights are fully connected to PM-JANMAN scheme delivery — including identifying which habitations are included in the scheme's coverage and flagging those that are missing — is a high-priority facilitation activity.

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Related Knowledge Commons content: Social Justice & Tribal Welfare Sector Primer (Sector 03) · Practice Note: Community Forest Rights — From Title to Livelihood · Practice Note: NTFP Market Development — for livelihood viability in recognised habitats · Practice Note: Disability Inclusion in PVTG Communities

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