



# REVISED COMPENDIUM OF CIRCULARS AND GUIDELINES ON THE SCHEDULED TRIBES AND OTHER TRADITIONAL FOREST DWELLERS

(RECOGNITION OF FOREST RIGHTS ACT, 2006 AND RULES, 2008  
AND AMENDMENT RULES 2012)



Scheduled Castes & Scheduled Tribes Research and Training Institute (SCSTRI), Bhubaneswar  
ST & SC Development Department, Govt. of Odisha  
(September, 2012)

**REVISED COMPENDIUM ON CIRCULARS AND GUIDELINES  
ON  
THE SCHEDULED TRIBES AND OTHER TRADITIONAL FOREST  
DWELLERS (RECOGNITION OF FOREST RIGHTS) ACT,  
2006 & RULES, 2008  
AND AMENDMENT RULES, 2012**

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## **Acknowledgement**

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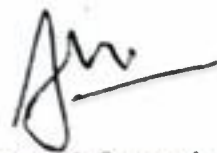
## FOREWORD

The Ministry of Tribal Affairs, Government of India brought watershed legislation and enacted the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 and framed Forest Rights Rules, 2008 and its amendment in 2012. The FRA and its Rules are meant for remedying the historical injustice done to the forest dwelling Scheduled Tribes and other traditional forest dwellers. Both of them significantly met the mandate through distribution of 12, 68,766 titles, including 3.01 lakh in the State of Odisha, to the eligible claimants under the Act across India till 31st July, 2012.

However, several factors and issues have come to the notice of the Ministry of Tribal Affairs, Govt. of India and ST & SC Development Department, Govt. of Odisha that are hindering the implementation of the Act in its letter and spirit and constraining the flow of proposed benefits to the eligible forest dwellers. The recognition of community rights such as rights to minor forest produce, grazing areas, water bodies, habitats of Particularly Vulnerable Tribal Groups, pastoralists' routes remains very low. The rate of rejection of claims is also reported to be high.

The ST & SC Development Department, Govt. of Odisha has issued different guidelines and circulars in addition to the existing guidelines from Ministry of Tribal Affairs and other Ministries of GOI to the Collectors, DFOs, Sub-Collectors and other Government functionaries of the State Government from time to time for facilitating proper implementation of the Act. These guidelines pertain to process of recognition of rights, evidence requirements, rights to minor forest produce, community rights, community forest resource rights, protection against eviction, diversion of forest lands and forced relocation, awareness raising, monitoring and grievance redressal. Besides, for the effective translation of objectives of the Act, the Ministry of Tribal Affairs has initiated the process of amendments in the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2008.

With a view to generate awareness among the different stakeholders and creation of their capacity for smooth implementation of the FRA, the Govt. of Odisha in ST & SC Development Department through SCSTRTI had brought out and circulated a Compendium on FRA in 2010. Such an exercise has helped a lot to the stakeholders in the FRA implementation process. In the mean time some additional guidelines and clarification on FRA have been issued by the Central and State Governments. This is high time these updated circulars and guidelines should reach to all the stakeholders in shape of a compendium with update guidelines and circulars. Therefore, a Revised Compendium has been prepared and published for distribution among all concerned for their use as a reference material. It is hoped that it would lead to better implementation of the Act at the ground level. I would like to extend thanks to Shri S.K. Popli, IFS, Director (ST/SC) -cum- Special Secretary to Government of Odisha, ST & SC Development Department for his valuable suggestions in bringing out the Revised Compendium on FRA and Prof. A. B. Ota, Director, SCSTRTI, Sri T. Sahoo, Dy. Director and other staff of SCSTRTI for their effort in compilation of the Revised Compendium. Hope this compendium will be of immense help to all concerned.



(Shri Santosh Sarangi, IAS)

Place: Bhubaneswar

Dated: 15th September, 2012

Commissioner-cum-Secretary, ST & SC Dev Deptt. Odisha

## PREFACE

*The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, popularly called FRA, is a tribal friendly legislation enacted by Government of India. To address the historical injustice and critical issues, pertaining to the forest rights deprivation of the Forest Dwellers and facilitate its implementation process, the FRA Rules, 2008 was framed just within one year of promulgation of the FRA and then brought amendment to the Rules in 2012. The Act envisages a number of provisions that would enable the forest dwelling people including landless tribals to become legal land holders of such forest land which they have been customarily enjoying since long.*

*The different provisions and procedures of the Forest Rights Act need to be understood by the tribals for its effective implementation. Besides, this Act is required to be understood by the Government Functionaries of Line Departments, like ST&SC Development Department, Panchayati Raj Department, Revenue and Disaster Management Department and Environment and Forest Department, who are said to be involved in the FRA implementation process. Similarly, it is equally important to make eligible tribal people and Other Traditional Forest Dwellers aware about different provisions and their implementation process.*


*Keeping the aforementioned issues in view, the Government of India and the State Government of Odisha have issued different circulars, executive instructions, guidelines, and Orders from time to time for smooth and timely implementation of the Act. The SCSTRTI, Bhubaneswar, a Nodal Tribal Research Institute of India, had made a modest attempt in compiling the circulars, instructions, guidelines, government orders and executive instructions and published them in shape of a Compendium in the year 2010. After a gap of more than two years, the ST & SC Development Department, Government of Odisha has decided to prepare a revised FRA Compendium with incorporation of update information through the SCSTRTI, Bhubaneswar and republish the same for wide circulation among all the stake holders.*

*I would like to extend thanks to Shri S.K. Popli, IFS, Director (ST/SC) -cum- Special Secretary to Government of Odisha, ST&SC Development Department for his valuable suggestions in bringing out the Revised Compendium on FRA. The combined efforts of Shri Trilochan Sahoo, Dy. Director, Smt. Arati Mall, Research Officer, Sri S.K. Pattanaik, S.A., SCSTRTI and Shri S.N. Mishra, OWS, Assistant Director, ST & SC Development Department Bhubaneswar for compilation of this Revised Volume of the FRA Compendium deserve thanks.*

*It is hoped that this Revised Compendium will help ensure translating the precious provisions of the Act into practice. I am looking forward to see that it would be a useful reference material for all the stakeholders including the Government and Non- Government Functionaries.*

Place: Bhubaneswar

Dated: 12th September, 2012

  
12/09/12  
Prof. A.B. Ota, IAS  
Director, SCSTRTI

## ORGANISATION OF REVISED COMPENDIUM

- ❖ Abstract: List of Government Circulars, Notifications & Resolutions on Forest Rights Act, 2006 & Rules, 2008 and Amendment Rules, 2012
- ❖ Circulars, Guidelines, Letters & Notifications issued by:
  - i. Different Ministries of Government of India
  - ii. Different Departments of Government of Odisha
  - iii. Different Corporate Bodies and Govt. Agencies
- ❖ Annex:
  - i. Achievement on FRA in India as on July, 2012
  - ii. Achievement on FRA in Odisha as on August, 2012
  - iii. Recent Press Release on FRA Implementation

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**I. ABSTRACT:  
LIST OF CIRCULARS, GUIDELINES,  
LETTERS, NOTIFICATIONS &  
MINUTES OF MEETINGS  
ON FRA, 2006 & RULES, 2008**



## ABSTRACT

### LIST OF GOVERNMENT CIRCULARS, NOTIFICATIONS & RESOLUTIONS ON FRA, 2006 & RULES, 2007

<b>GOVERNMENT OF INDIA</b>			
Sl. No.	Date	Circular/Notification/ Resolution No. / Source	Subject
1.	18.9.1990	Circular No. 13.-1/90-FP of Govt. of India, Ministry of Environment & Forests.	Review of dispute claims over forest land, arising out of forest settlement Conversion of forest villages in to Revenue villages.
2.	29.4.2005	F.No.11-48/2002-FC, Ministry of Environment and Forests, GOI	Guidelines under Forest (Conservation) Act, 1980, for up-gradation of 'Kutch roads constructed prior to 1980 in forest areas, to Pucca roads'.
3.	3.11.2005	F No. 2-3/2004 FC, Ministry of Environment and Forests, GOI	Guidelines for diversion of forest land for non forest purposes under the Forest (Conservation) Act, 1980- verification / recognition of rights of tribals and forest dwellers on forest land.
4.	14.2.2006	D.O.No.17014/4/2005-S & M/PC & V (Pt), Meena Gupta, Meena Gupta, Secretary, MOTA	Translation of FRA bill 2005 in Oriya and wide publication of the provision of the bill.
5.	29.12. 2006	The Gazette of India, Extra Ordinary Part II – Section 1, No. 2 New Delhi, January 2, 2007/PAUSA 12, 1928	Publication of The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.
6.	1.1.2008	F. No. 17014/02/2007, Ministry of Tribal Affairs, GOI dated 1 <sup>st</sup> January, 2008	Notification of FRA Rules.
7.	8.1.2008	DO from Prime Minister dated 8 <sup>th</sup> January, 2008 addressed to Shri Nabeen Patnaik, Chief Minister of Orissa,	Constitution of State Level Monitoring Committees and District Level Committees and below District Level Committees.
8.	11.1.2008	D.O.No.17014/2/2007 – PC & V (Vol.VI), Sri G.B. Mukharjee, Secy, MOTA, GOI dated 11 <sup>th</sup> January, 2008	Guidelines for monitoring of the FRA and preparation of operational schedule.

9.	15.2.2008	D.O.NO. N-11016/7/2008-RBH, Sushma Singh, Ministry of Panchayati Raj, GOI dt. February 15, 2008	Holding the Gram Sabha on 28 <sup>th</sup> February, 2008.
10.	20.2.2008	No.17014/02/2007-PC & V (VOL.VI) (Pt.),Director, Ministry of Tribal Affairs, Government of India dated February 20, 2008	Clarification on provisions in Section 3(1)(c) of Forest Rights Act vis-à-vis Section 4(m)(ii) of PESA Act.
11.	13.5.2008	D.O. NO. 17014/8/2007-PC & V, Dr. Bachittar Singh, MOTA, GOI addressed to Dr. Tara Dutt Commissioner-cum-Secretary, SC & ST Welfare Department, Government of Orissa.	Comments of State Govt. on formation of Forest Rights Committee at a meeting to be convened on 16 <sup>th</sup> and 23 <sup>rd</sup> March, 2008 at Palli Sabha without any reference to the local Gram Panchayats and its Sarpanchs and elected members.
12.	13.5.2008	No. 4 – 1 / 2007 – FP Government of India Ministry of Environment & Forests (F.P. Division) dated 13 <sup>th</sup> May, 2008	Disposal of petty forest offence cases by tribals and other deprived section of the society.
14.	9.6.2008	No.17014/02/2007-PC&V (VOL.VII) Government of India, Ministry of Tribal Affairs dated June 9, 2008	Implications of the phrase "primarily reside in and who depend on the forests or forest lands for bona fide livelihood needs" appearing in sections 2 (c) and 2(o) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.
15.	8.9.2008	No.9-5/2006-NTCA (Part) Government of India National Tiger Conservation Authority dated 8 <sup>th</sup> September, 2008	Identification / notification of core / critical tiger habitats and relocation of people from such areas, and identification / notification of buffer or peripheral areas under section 38V of the Wildlife (Protection Act, 1972.
16.	29.10.2008	D.O.No.23011/ 6 / 2008 – FRA, Dr. Bachittar Singh, MOTA, GOI	Seeking comments of the State Government on the issues faulty processes being employed in verification of claims under the Forest Rights Act in Gajapati District, Orissa.
17.	18.11.2008	F. No. 7-1/2008-FP, GOI, Ministry of Environment and Forests, FP- Division dt. 18.11.2008.	Monitoring Formats for implementation of FRA, 2006.-Guidelines to notify critical wild life habitat including constitution and functions of Export Committee scientific information required and resettlement and matters incidental thereto.
18.	3.12.2008	23011/28/2008 SGI, MOTA,GOI	The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2008 - clarification regarding

			consideration of claims under FRA Gram Sabha Should consider 3 months time for acceptances of cases.
19.	18.5.2009	Annexure to letter No. 23011/15/2008-SG.II, MOTA,GOI dated May 18, 2009	Procedure for seeking prior approval for diversion of forest land for non forest purposes for facilities managed by the Government under Section 3(2) of the FR Act, 2006.
20.	30.06.2009	No. 14020/15/2005-SG-II, MOTA,GOI dated 30 <sup>th</sup> June, 2009	Development of forest villages – details of Population.
21.	30.7.2009	F. No. 11-9/1998-FC (pt.) GOI, Ministry of Environment & Forests (F.P. Division) dated 30 <sup>th</sup> July, 2009	Diversion of forest land for non forest purposes under Forest (Conservation) Act 1980-Ensuring compliance of the FRA, 2006.
22.	08.9.2009	File No. 9-5/2006-NTCA (pt), GOI, National Tiger Conservation Authority dated 8 <sup>th</sup> September, 2009	Identification/Notification of Core/Critical tiger habitat and relocation of people from such areas and Identification/Notification of buffer or core areas under section 38 V of the Wild Life Protection Act, 1972.
23.	04.12.2009	D.O. NO. 23011 / 23 / 2009 – FRA, Sri G.B. Mukharjee, Secy, MOTA, GOI	Study Report on the implementation of FRA.
24.	08.1.2010	No.8-63/2007-FC Government of India Ministry of Environment and Forests Paryavan Bhavan, CGO Complex, Lodhi Road, New Delhi Dated the 8 <sup>th</sup> January, 2010	Diversion of 1253.225 ha of forest land or establishment of Integrated Steel Plan: and Captive Port by POSC-India Pvt. Ltd, Jagathinghpur district of Orissa.
25.	04.3.2010	No. 17014/02/2007-PC&V(Vol. VII)(Pt.), Sri A.K. Srivastava Director, MOTA, dated March 4, 2010	Review meeting held on 24.8.2009 in respect of the implementation of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 – action regarding.
26.	04.3.2010	No. 17014/02/2007-PC&V(Vol. VII)(Pt.), Sri A.K. Srivastava Director, MOTA, dated March 4, 2010	Large scale encroachment on Forest land during implementation of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.
27.	4.3.2010	Sri A.K. Srivastava Director, MOTA, dated March 4, 2010	Applicability of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 in Municipal Corporation Areas.

28.	04.3.2010	No. 17014/02/2007-PC&V(Vol. VII)(Pt.), Sri A.K. Srivastava Director, MOTA, dated March 4, 2010	Delegation of power under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.
29.	06.5.2010	No. 17014/02/2007/PC&V/ FRA (Vol. VII) MOTA, GOI , dated May 6, 2010	Grant of land rights to Taungya cultivators under FRA, 2006
30.	11.6.2010	No. 17014/02/2007/PC&V/ (Vol. VII) (pt.), MOTA, GOI, dated 11. 6, 2010	Supply of copies of certifications on implementation of FRA, 2006 issued in March, 2010.
31.	16.6.2010	D.O. No. 23011/14/2008-FRA Dated: 16.06.2010from ShriBachittar Singh, Joint Secretary, MOTA, GOI	Ensuring district-wise FRA implementation data is uploaded on the MIS developed by Planning Commission regularly and furnishing the requisite information relating to the implementation of the Act in the LWE affected districts / areas to this Ministry, on a regular basis.
32.	21.6.2010	F.No.7-12/2010-FP, (Mohan Lal, AIG (FC) MOEF, GOI	Compelling the Scheduled Tribes dwelling in the National Parks and Wildlife Sanctuaries to leave the premises of National Parks and Wildlife Sanctuaries without settling their rights under the provisions of the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.
33.	15.7.2010	D.O. No. 23011/24/2009-FRA, Sri G.B. Mukharjee, Secy, MOTA, GOI, dated 15 <sup>th</sup> July, 2010	To initiate action on a statistically acceptable sampling basis, at the level of Gram Sabha and Sub Divisional level Committees for categorizing all rejections, with their numbers and find out the cause of Rejection and include figures for other traditional forest dwellers separately from Scheduled Tribes.
34.	20.7.2010	D.O. No. 23011/24/2009-FRA, Sri G.B. Mukharjee, Secy, MOTA,GOI, dated 20 <sup>th</sup> July, 2010	Facilitating collection of more community right claims, Holding of SLMC meeting regularly.
35.	22.7.2010	No. 23011/16/2010-FRA, Sri G.B. Mukharjee, Secy, MOTA, GOI	Direction under Section 12 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006.
36.	3.9.2010	D.O. No. 17011/1/2010-FRA, (A.K. Chugh), Secretary (TA),MOTA,, GOI	Before taking any decision on displacement of Scheduled Tribes from National Parks and Sanctuaries, the provisions of the Scheduled tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) act 2006 should be duly compiled with.

37.	23.9.2010	F.No.12-1/2006-FP,(A.M. Singh) DIGF (FP) MOEF,GOI dated 23.Sept, 2010	Implementation of FRA in States- issuing Pattas without proper identification of the actual parcel of (forest) land allotted, and without fixing any boundaries.
38.	20.1.2011	D.O. No. 17014/11/2010-FRA,(A.K. Chugh), Secretary (TA),MOTA,, GOI, 20 <sup>th</sup> January, 2011	Detailed guidelines and procedure, including the time lines, to be followed while processing the cases for diversion of forest land.
39.	5.5.2011	No. 17014/02/2007-PC&V(Vol. VII)(Pt.), Sri A.K. Srivastava, Director, MOTA, dated 5.5.2011	The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 – clarification on certain issues.
40.	1.9.2011	No. 23011/28/2008-SG-II(FRA), Government of India, Ministry of Tribal Affairs.	The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 – clarification on certain issues.
41.	24.05.2012	DO from V. Kishore Ch.Deo address to Chief Minister of all States 24 <sup>th</sup> May, 2012	Step for better Implementation and Areas of Concern and Suggested Actions.
42.	28.6.2012	DO No. MTA/VIP 18/48 2012, 28 <sup>th</sup> June, 2012 from Shri V. Kihore Chandra Deo, Minister, MOTA to Shri Naveen Patnaik, Chief Minister, Odisha	Issuance of instructions to allow unfettered right of transit for sale of bamboo by Gram Panchayat to local buyers which is a right given under FRA, 2006.
43.	12.7.2012	No. 23011 / 32 / 2010 – FRA [Vol. II(pt.)]	Guidelines on the implementation of the Scheduled Tribes & Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006
44.	6.09.2012	The Gazette of India, Extraordinary, PART II- Section 3 – Sub-section (i) No. 440 New Delhi, THURSDAY, SEPTEMBER 6, 2012/BHADRA 15, 1934  Ministry of Tribal Affairs, Notification, New Delhi, the 6 <sup>th</sup> September, 1012 No. G.S.R. 669 (E)	Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012

GOVT. OF ODISHA			
Sl. No.	Date	Notification/ Resolution No./Source	Subject
1.	25.2.2004	Resolution No. 6792 SSD Dt. 25.2.2004	Constitution of Task Force at the sub-divisional Level, District level and state level to review and monitor implementation of various Rules and Regulations concerning welfare of the Scheduled Tribes and to prevent their exploitation.
2.	1.10.2005	No. 17276/F & E., 10F (Cons)-114/04, Deputy Secretary to Government, Forest & Environment Dept.	Guidelines under Forest (Conservation) Act, 1980 for up-gradation of Kucha roads to constructed prior to 1980 in forest areas, to pucca roads.
3.	10.01.2006	No. 10F (Cons)-2/05—403/E&F, Special Secretary to Govt., Forest & Environment Department	Guidelines for diversion of forest land for non-forest purposes under the Forest (Conservation) Act, 1980 – Verification / recognition of rights of tribal and forest dwellers on forest land.
4.	1 <sup>st</sup> Feb. 2008	No. 4694/SSD, ST & SC Development Department	Constitution of Committees (SLMC, DLC, SDLC) for implementation of FRA.
5.	15 <sup>th</sup> Feb. 2008	6182/II.3.08/SSD, ST & SC Development Department, GOO	Implementation of FRA in the State-printing of the required number of copies of the Act and Rules for distribution among the various stake holders and review of implementation.
6.	21 <sup>st</sup> Feb 2008	8504, Panchayati Raj Department, GOO	Convening on Gram Sabha/Palli Sabha on 28 <sup>th</sup> February 2008.
7.	25th Feb 2008	GE (GL) S-22/2007/9775/R & DM, Revenue & Disaster Management Department, GOO	1. Training programme in district for Revenue, Forest, ST&SC and Panchayatiraj Dept. 2. Deployment of Amins to assists SDLCs. 3. Supply of village maps from forest and revenue machinery to GS/FRC free of cost 4. Association of credible VO.
8.	26 <sup>th</sup> Feb 2008	9153/PR, Panchayati Raj Department/ GOO	Convening of Palli Sabha/Gram Sabha on 16 <sup>th</sup> and 23 <sup>rd</sup> March and constitution of FRC.
9.	24.03.08 and	13562/PR, Panchayati Raj Department/ GOO	Holding of Palli Sabhas for implementing FRA, 2006 and Rules 2007 within 30 <sup>th</sup> April, 2008 for constitution of Forest Rights Committee/ latter.
10.	28.03.08	No. 10F (Con) – 06 / 08. 5073 /F & E. , Joint Secretary to Government, Forest & Environment Dept.	Implementation of ST and OTFD (RFR) Act, 2006 and Rules framed there under.

11.	23/5/08	No. PRI-I-IV-9/08_ No. 21948/PR, Panchayati Raj Department/ GOO.	To hold Palli Sabha within 30 <sup>th</sup> June, 2008 and compliance be reported/ responsibility may be fixed in terms of necessary disciplinary action against defaulting concerned officer.
12.	27.5.2008	No. 2230, ST& ST Development Deptt.	Instructions to involve NGOs in implementing the FRA and to furnishing monthly progress report on FRA implementation.
13.	25.06.2008	No. 24793 / TD-II-11/08, Director, ST/SC Addl. Secy. To Govt., ST & SC Development Dept., GOO	Expedite furnishing the Action Taken Report and Monthly Progress Report in the implementation of FRA
14.	25.07.2008	Memo No.310/76, P.R. Deptt. Dt. 25.7.2008.	Holding of Pallisabha for implementation of STs & Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.
15.	1.9.2008	DO NO. UM-1/08-420/CM, Chief Minister, Orissa	Request for filing a Transfer Petition for transferring all the litigations to the Apex Court and takes steps for their expeditious disposal.
16.	20.9.2008	No34359 / SSD. TD-II-3/08(I). S.T. & S.C. DEVELOPMENT DEPARTMENT, GOO	Issues in claim verification by SDLC with regards to Forest Rights Act in Gajapati District, Orissa.
17.	20 <sup>th</sup> Oct., 2008	DO No 36829, Chief Secy., Govt. of Orissa	Utilization of funds under Article 275(1) of the Constitution (interest money) I and the fund under contingencies of the respective offices for buying handheld GPs instruments for preparation of map, records etc. and disposal of claims.
18.	23.10.2008	4147, P.R. Deptt	Issue regarding verification of claims under FRA by SDLC in Gajapati District.
19.	25.10.2008	No. ___/R& DM GE(GL) -S/22/07(Pt), Commissioner-cum-Secy. to Govt. Revenue & Disaster Management Department	Checking up of list of forest villages as per 2001 Census and implementation of FRA in these villages.
20.	31.10.2008	No.PRI - I (IV)-09/2008 Director, P.R & Addl. Secy. to Govt.	Implementation of STs and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006-Conversion of all Forest Villages in the State into Revenue Villages.

21.	3 <sup>rd</sup> Nov., 2008	Principal, CCF Orissa	Holding fact finding review meetings at Revenue Divisional level in the 2 <sup>nd</sup> /3 <sup>rd</sup> week of November'08 where specific difficulties, etc. in carrying out the mandate of the new statute would be discussed.
22.	6.11.2008	38766, ST& ST Development Deptt.	Furnishing MPR on Status /Progress of implementation of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 & Rules, 2008 in the State.
23.	6.11.2008	38848, ST& ST Development Deptt	Engagement of retired Revenue Inspectors/ Amins.
24.	6.11.2008	PRI -I/(IV)/9/08 /43137/ PR, PR Dept., Govt. of Orissa	District wise position on Constitution of FRC through Palli Sabha as on 31.08.2008
25.	11.11. 2008	TD-I-TSP-105/ 08- 39223/SSD, ST & SC Development Department, GOO	Sanction of Grants for implementation of FRA.
26.	18.11.2008	F.No. 7-1 / 2008 – FP	Monitoring formats for implementation of ST & OTFD (Recognition of Forest Rights) Act, 2006
27.	21.11. 2008	TD-11-51/08-40373, ST & SC Development Department, GOO	Frequently Asked Questions on Implementation of FRA, 2006 and their replies/ Conversion of forest and un-surveyed villages and old habitations on forest land into revenue villages.
28.	30.12.2008	PRI-(IV) – 9/08 49408/PR	Holding Palli Sabhas under FRA, 2006 and Rules, 2007
29.	06.01.2009	Memo No. 1805 / SSD	To convey Special Meeting on Palli Sabhas and Palli Sabhas from dt. 18.1.2009.
30.	4.2.2009	No. 6061 /SSD, TD – II – 51/08, CS, GA Dept	In-depth review of implementation of the Act and furnishing review note along with the MPR to the nodal department i.e. ST & SC Development Department regularly on monthly basis by 5 <sup>th</sup> of each succeeding month.
31.	17.4.09	13295/TDII-3/08, SSD	Engagement of Retired Forest Officials/RI, Amins for verification of claims.
32.	10.7.09	24828/TD ii/618, SSD	Development of Forest villages - furnishing the required information on no. of people (community wise) living in each forest village.
33.	19.8.2009	No. 26286 / SSD, TD-II-32/08, SSD	Taking up expeditious action to issue certificate of title to the eligible forest dwelling scheduled tribes and other traditional forest dwellers under the Act.



34.	20.8.2009	No <u>28318</u> / SSD. , Stat & D/Cell-23/09, SSD	Orientation training programme of Govt. officials on ST & Other Traditional Forest Dwellers Right (Recognition of Forest Rights) Act, 2006.
35.	21.8.2009	28807/SSD	Invitation to Local MLA for distribution of patta to the eligible Scheduled Tribes and Other Traditional Forest Dwellers under the FRA, 2006.
36.	31.8.2009	No.GE (GL) S-23/09 (Pt-II) - <u>34149</u> / R & DM, Commissioner-cum- Secy. to Govt. Revenue & disaster management department	Furnishing information on number of titles for forest land issued along with area and number of families covered both in individual and community claims.
37.	19.9.2009	No <u>36818</u> / CSR&D.M, Revenue & Disaster Dept.	Association of Hon'ble MLAs and Hon'ble MPs in distribution certificate of titles under FRA, 2006.
38.	6.10.2009	36638/SSD TD-II 32/2008	Distribution of certificates of titles under FRA 06 & Rules 07 by 15.10.2009.
39.	6.10.2009	36639/SSD TD-II 32/2008	Organization of special awareness campaign and training for Special Officers of Micro Projects and separate reporting on Micro Projects in MPR.
40.	8.10.09	No .CB-II-R-14/09 <u>38997</u> / R&D.M., Revenue & Disaster Dept.	Inter-active Training Programme with Field Level Officers under Gramsat Pilot Project
41.	9.10.09	No <u>36899</u> / SSD. Stat. & D.Cell- 27/09,ST& ST Development Deptt.	Distribution of title deeds land to the landless Scheduled Tribe person belonging to Particularly Vulnerable Tribal Groups (PTGs) under the STs and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006
42.	23.10.2009	No <u>40938</u> CSR&D.M, Revenue & Disaster Dept.	Grant of Titles to ST persons under RFR Act, 2006-2 stage clearance in respect of pre-1980 encroachment cases.
43.	25.11.2009	No. 10F (cons) 6/2008 <u>19902</u> /F&E, FOREST & ENVIRONMENT, DEPARTMENT	Clarifications on Claims under the Forest Rights Act.

44.	2.12.2009	D.O. No. 43137/ Dated 2 <sup>nd</sup> December, 2009, from Shri Ashok K.Tripathy, I.A.S, Principal Secretary to Government, ST& ST Development Deptt.,	"Squad Approach" for 100 percent coverage of Particularly Vulnerable Tribal Groups (PTG) under the FRA, 2006 as desired by C.M.
45.	5.12.09	No. 38708 /PR II-NREGS-43/09, Panchayati Raj Department/GOO	Land Development, Horticulture Plantation and Farm Pond in the Land of Beneficiaries under Forest Rights Act under NREGS – regarding.
46.	14.12.2009	D.O. No. 43137/ Dated 14.12, 2009, from Shri Ashok Ku. Tripathy, I.A.S, Principal Secretary to Government, ST& ST Development Deptt.,	Engagement of Retired RIs, Amins and Advocate for land allotment ti STs as per Regulation 2 of 1956, FRA and other Revenue Laws in OTELP Areas.
47.	15.12.2009	No 48387 /R&DM, GE(GL)-S-23/09(Pt.), Special Secretary to Govt., Rev. & Disaster Dept.	Grant of titles to ST persons under ST & OTFD (RFR) Act,2006
48.	26.12.2009	No 45659 /SSD TD- II-32/08, Special Secretary to Govt., ST & SC Development Department	To communicate the copy of the final order of Grama Sabha/SDLC/ DLC to the claimants of both individual and community claims & settlement of claims in the Reserved and Protected forest and Formation of FRC in the village.
49.	31.12.2009	D.O. No. 46126/SSD, from Shri Ashok Ku. Tripathy, Principal Secy., SSD, GOO	Pre 1980 encroachment cases relating to tribals can be settled under Forest Rights Act, 2006
50.	4.1.2010	No. 68/CSR &D.M. from Shri R. K. Sharma, Comm.-cum- Secy, R&DMD, GOO	Settlement of the non forest land under OGLS & OPLE Act
51.	5.1.2010	No. 71/MR&DM, From Shri S.N. Patra, Minister, R&DM, GOO	To treat the application in case of non-forest land under Vasundhra, under
52.	6.1.2010	No. 1567/SSD	Organisation of Training Programme for Tribal Youths on implementation of Forest Rights Act – 2006 & Other Welfare programmes.

53.	27.1.2010	D.O. No. – 3435	Implementation of ST & OTFDs (Recognition of Forest Rights) Act, 2006
54.	11.2.2010	No. GE(GL)-S-23/09(Pt-1)-5309/R&DM	Grant of Titles to eligible STs and Other Traditional Forest Dwellers under ST&OTFD(RFR)Act, 2006
55.	25.2.2010	No. 2779 /9F (Misc.) 75/09 (Vol – II), Principal CCF, Orissa	Implementation of the Scheduled Tribes & Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 – recognition of forest rights over the claims made in respect of the forest land under the control of the Forest Department.
56.	9.3.2010	D.O. No. 9728/TD-II – 32/08	Implementation of STs and Other Traditional Forest Dwellers (Recognition of Forest Right) Act, 2006
57.	10.3.2010	No. 10021/SSD, Stat &D.Cell – 28/09	Printing of 1000 copies of compendium consisting of circulars / instructions issued from time under Forest Rights Act, 2006
58.	26.3.2010	D.O. No. – 12514/ TD – II- 32/08	Signature of DWO in the title instead of PA ITDA
59.	3.4.2010	D.O. No. - 12976 /, ST & SC Development Dept.	Sharing of the maps and verification report with the Gram Sabha.
60.	5.4.2010	D.O. No. – 13012, ST & SC Development Dept.	Adoption of 'Micro Planning Approach' for processing of Claims under ST & OTFD's Act, 2006
61.	5.4.2010	No 13013 /SSD, TD-II-32/08, ST & SC Development Dept..	Uploading of Claim cases in the Website.
62.	17.4.2010	D.O. No. – 13792 Stat & D. Cell – 28/09, ST & SC Development Dept.	Distribution of Certificate of Titles to Particularly Vulnerable Tribal Groups (PTG) in the Micro project Area under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006
63.	1.5.2010	D.O. No. – 16721 Stat & D. Cell – 32/08, ST & SC Development Dept.	Payment of expenditure incurred under FRA from the fund available under Article 275(1).
64.	31.5.2010	No. 23529 / SSD, Stat & D. Cell-10/09, ST & SC Development Dept.	Ordered that the Resolution be published in the next issue of Orissa Gazettee

65.	22.9.2010	D.O. No. – <u>38206</u> TD – II – 32/08, ST & SC Development Dept	Awareness under the ST & OTFD' Act, 2006 – Number of Individual Claim petition
66.	29.10.2010	No. SM13209- 43974 / RDM, Revenue & Disaster Dept.	Guidelines for correction of ROR and Maps for forest land in revenue villages for which title has been issued under the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006
67.	29.6.2011	No. 23310/SSD TD-II (FRA)/06/2011 from Director (ST&SC) – cum- Addl Secretary to Govt., SSD	Review of Implementation of FRA, 2006 and Rules, 2007 through Video Conferencing held on 9.6.2011.
68.	16.8.2011	No. TD-II-(FRA)- 06/11(Pt.) <u>27687/CS(SSD)</u> , Chief Secy. GOO	Cent percent coverage of Forest Rights Act beneficiaries under different Government Schemes
69.	20.10.2011	No. TD-II-(FRA)- 6/11(Pt.) <u>32660/CS(SSD)</u> , Chief Secy. GOO	Inclusion of sketch-map in the individual title under the STs & Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 and Rules, 2007.
70.	22.11.2011	No. <u>35570</u> / SSD TD-II(FRA)-06/2011, ST & SC Development Dept.	Clarification regarding approval of certificate of title, to "PatharBaniPahada" & "Parbat Kisam" of land under Scheduled Tribes & Other Traditional Forest dwellers (Recognition of Forest Rights) Act, 2006
71.	1.12.2011	No. 22839 VI-NREGS-30/09 (Pt.), Panchayati Raj Department/GOO	Convergence through MGNREGA
72.	31.12.2011	No. <u>39998</u> / SSD TD-II(FRA)-6/2011, ST & SC Development Dept.	Clarification between "Gramya Jungle Jogya" for confirmation of title under the ST and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006
73.	04.01.2012	No. <u>202</u> / SSD TD-II(FRA)-06/2011, ST & SC Development Dept.	To provide Sketch map of the Forest Land to the Claimant under FRA
74.	28.2.2012	No. <u>9182</u> / SSD TD-II(FRA)-06/2011 (P), ST & SC Development Dept.	Clarification on convening District Level Committee Meeting under the STs and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.

75.	12.3.2012	No. <u>10070</u> / SSD TD-II(FRA)-06/2011, ST & SC Development Dept.	Clarification sought for Pahad and DangarKissam of land for settlement of claims under Forest Rights Act, 2006.
76.	2.5.2012.	No. <u>14195</u> / SSD TD-II(FRA)-06/2011, ST & SC Development Dept.	Cent percent coverage of Particularly Vulnerable Tribal Groups (PTG) Households in the Micro Project Area.
77.	25.6.2012	No. <u>20925</u> / TD-II (FRA)-06/2011, ST& SC Development Dept.	Uniformity on Issue of Certificate of Titles to the Individual Title holders Under the ST and Other Traditional Forest dwellers (Rights to Fore4st) Act. 2006.
78	10.9.2012	No. 17-PADM-19-1033- 15718, Government of Orissa, Panchayati Raj Department	Leveraging the “ <u>Gram Sabha Sashaktikaran Karyakram</u> ” to ensure greater benefits to the SC and ST beneficiaries at the village level.

**CORPORATE BODIES, GOVT. AGENCIES. NGOS**

Sl. No.	Date	Notification/Resolution Number/Source	Subject
1.	27.05.2008	No.602, Programme Director, OTELP, & Ex-Officio Addl. Secy. to Govt.ST & SC Development Deptt.Govt. of Orissa	Information on land related matters.
2.	06.06.2008	No.1448/VII-20/08, Project Administrator, ITDA, Malkangiri	Extension of 6 months time period for settlement of Forest Rights.
3.	09.06.2008	No. 653/123/06, OTELP	Action on Land related matters to P.A, ITDA Parlakhemundi /Koraput/Th.Rampur, Balliguda.
4.	09.06.2008	No.658, OTELP	Minutes of 9 <sup>th</sup> Meeting of State Level Programme Management Committee (SLPMC) under OTELP.
5.	12.06.08	No. 670/123/06, OTELP	Settlement of Govt. Land including un-surveyed land with eligible landless tribal families and conforming forest rights as per the ST and other TFD, at 06 Rule 2007.
6.	13.06.2008	No. 681, OTELP	1. Oriya Version of letter No. 24571 dt. 5.6.2008 of Jt. Secy. to Govt. Revenue & D.M. Department. 2. Inclusion of Sub-Collector on special invitee to DPMC Meeting.
7.	25.06.2008	Orissa Tribal Empowerment & Livelihoods Programme (ST & SC Development Department) 25 <sup>th</sup> June 2008	Experiences and issues – FRA implementation CSOS Collectives.
8.	11.07.2008	L.No.1612, Collector & D.M. Gajapati	Official Order for Field Survey from 15.7.2008 to 31.7.2008.
9.	21.07.2008	No. 825, Orissa Tribal Empowerment & Livelihoods Programme (ST & SC Development Department) dated 21.7.08	Proceeding of Workshop on land rights held on 15.7.08.
10.	24.07.2008	No.836 Orissa Tribal Empowerment & Livelihoods Programme (ST & SC Development Department) dt.24.7.2008	Engagement of staff to support for land survey in OTELP area.

11.	04.08.2008	No. 896, Orissa Tribal Empowerment & Livelihoods Programme (ST & SC Development Department)	Information on 'Mo jami- Mo diha' campaign.(My land My homestead) Campaign.
12.	11.09.2008	Sj. SanjoyPattnaik, RCDC, Bhubaneswar	Issues in claim verification by SDLC with regards to Forest Rights Act in Gajapati District, Orissa.
13.		Sj. GopinathMajhi State Convener and Members (Campaign for Survival and Dignity, Orissa)	Major Concerns raised for better implementation Forest Rights Act in Orissa by CSD, Orissa.
14.	26.11.2009	No. 1590, OTELP	Intimation to the P.A.s of ITDAs of OTELP districts relating to the effective implementation of FRA.
15.		Members of facilitating Groups	Regarding Government of Orissa notification for convening special Palli Sabha on 18 <sup>th</sup> January 2009 in the State.

**II. CIRCULARS/NOTIFICATIONS/  
LETTERS ISSUED BY DIFFERENT  
MINISTRIES OF GOVT. OF INDIA**



**Circular No. 13-1/90-FP of Government of India, Ministry of Environment & Forests, Department of Environment, Forests & Wildlife dated 18.9.90 addressed to the Secretaries of Forest Departments of all States/UTs.**

**II.1 FP (2) Review of disputed claims over forest land, arising out of forest settlement**

It has been brought to the notice of this Ministry that local inhabitants, living in and around forest areas, have preferred claims on certain notified forest lands contending that they were in occupation of such areas prior to the initiation of forest settlements and/ or their rights were not enquired and/ or commuted before notifying these lands as forests under respective laws. The claimants are requesting that title of such lands should be conferred on them. It is being felt that even bonafide claims are persistently overlooked causing widespread discontentment among the aggrieved persons. Such instances ultimately erode the credibility of the Forest Administration and sanctity of the forest laws, especially in the tracts inhabited by tribals.

2. Seized of its complexities, the issue regarding disputed claims over forest land was got critically examined by this Ministry through an inter-Ministerial Committee. The Committee, after prolonged deliberations and due consultations with representatives of some of the states, stressed the need to resolve such disputes with utmost urgency and suggested the feasible course of action to redress genuine grievances without jeopardising protection of forests and forest land. Keeping in view the recommendations of the said committee and with due approval of the competent authority, the following course of action is suggested for amicably resolving disputed claims on forest land:

2.1 The States/ UTs Administration should review the cases of disputed claims over forest land and identify the following three- categories of claims;

- (a) Claims in respect of forest areas notified as 'deemed Reserved Forest' without observing the due process of settlement as provided in Forests Acts provided that these pertain to
  - (i) tribal areas or affect a whole cross section of rural poor in non-tribal areas; and
  - (ii) the claimants are in possession of the "disputed land".
- (b) Claims in tribal areas wherever there is *prima facie* evidence that the process of forest settlement has been vitiated by incomplete or incorrect records/maps or lack of information to the affected persons, as prescribed by law, provided that:
  - (i) Such forest settlement pertains to a period after 1947; and (ii) the claimants are in possession of the "disputed land".
  - (ii) Claims in tribal areas wherever the process of settlement is over but notification under Section 20 of the Indian Forest Act, 1927 (or corresponding section of the

relevant Act) is yet to be issued, particularly where considerable delay has occurred in the issue of final notification under Section 20, provided that the claimants are still in possession of 'disputed land'.

2.2 After identifying the above three categories of the claims, the State Government/UT Administration should get these enquired through a Committee which should consist of atleast the concerned Divisional Forest Officer, Sub-divisional Officer (Revenue Department) and a representative of the Tribal Welfare Department. The Committee should determine genuineness of the claims after examining all available evidence to establish that:

- (i) in case of category 2.1 (a) the claimant was in possession of the disputed land when the notification declaring 'deemed reserved forests' was issued; and
- (ii) in case of categories 2.1(b) and 2.1(c) the claimant was in possession of the disputed land when the notification showing Government intention to declare reserved forest was issued under Section 4 of the Indian Forest Act, 1927 (or corresponding section of the relevant Act) and his rights were not commuted or extinguished in accordance with due process of law.

2.3 In no case either the Government or the above Committee shall entertain any claim in which the claimant has not been in possession of the disputed land throughout.

2.4 Once the bonafides of the claims are established through proper enquiry, the State/UT Government may consider restoration of titles to the claimants. While deciding to restore titles to the claimants the following aspects should be duly considered:

- (i) As far as possible, restoration of claims should not result in honey-combing of forest land. In such cases possibility of exchange of land near periphery or else where (e.g. non-forest Government land) should be exhausted.
- (ii) The land to be restored to the claimants should be properly demarcated on the ground with permanent boundary marks.

2.5 After the State Government/ UT Administration has decided in principle to restore titles to the claimants proposals may be formulated suitably and submitted for seeking prior approval of this Ministry under the provision of the Forest (Conservation) Act, 1980, alongwith proposals for compensatory afforestation

3. Progress of the action taken/proposed to be taken under the above guidelines may kindly be conveyed to the Ministry.

## II. 2. FF(3) Disputes regarding pattas/ leases/ grants involving forest land.

An inter-Ministerial Committee, which was set up by this Ministry to look into various aspects of *tribal* -forest-interface has pointed out that a number of cases of pattas/ leases/ grants involving forest land in one way or the other, have become *contentious* issues between different departments of the State/UT Govts. Such pattas/leases/grants are said

should be examined by district level committees consisting of D.F.O., S.D.O., Revenue Department, a representative of Tribal Welfare Department. The disputes should be resolved at the district level wherever it is possible, or after obtaining suitable orders of the States/UT Govt. or the Government of India (if the provisions of the Forest (Conservation) Act, 1980 are attracted), as the case maybe.

2.3 Leases of a period prior to 25.10.1980 which were granted to the Scheduled Tribes or to other rural poor for agro-forestry, tree plantation or alike but could not be renewed, despite the State/ UT government's intention to do so, on account of enactment of the Forest (Conservation) Act, 1980 should be examined expeditiously. Wherever the State/UT Government's desire to continue the leases proposals should be submitted to this Ministry, in the prescribed manner, for seeking prior approval under the Forest (Conservation) Act, 1980. Pending final decision, that lessees should not be dispossessed of the land.

2a. In cases where Forest (Conservation) Act is attracted proposals for denotification of forest land should be accompanied by proposals for compensatory afforestation. This Ministry may be kept informed of the action taken/ proposed to be taken in this connection.

### **IL3. FP (1) Review encroachments on forest lands.**

Encroachment of forest land for cultivation and other purposes continues to be most pernicious practice endangering forest resources throughout the country. Statistical information compiled by the then Ministry of Agriculture during early 1980s revealed that nearly 7 lakh hectares of forest land was under encroachment in the country about a decade back. This is despite the fact that prior to 1980, a number of States had regularised such encroachments periodically and approximately, 43 lakh hectares of forest land was diverted for various purposes between 1951 and 1980, more than half of it for agriculture. The decisions of the State Govts. to regularise encroachments from time to time seem to have acted as strong inducement for further encroachments in forest areas and the problem remained as elusive as ever for want of effective and concerted drive against this evil practice.

The National Forest Policy 1988 has also observed the increasing trend in encroachments on forest land and stated that these should not be regularised. Implementation of this pronouncement has been examined by this Ministry keeping in view the constraints of various State Governments, some of whom have expressed that they stand committed to regularise encroachments of a period prior to 1980. The issue figured prominently in the Conference of the Forest Ministers held in May, 1989 and was later examined by an inter-Ministerial Committee, set up by this Ministry in consultation with the representatives of some of the States. Keeping in view the recommendations of the Forest Ministers' Conference and the Committee referred to above, and with due approval of the competent authority, the following measures are suggested for review of the old encroachments and effective implementation of the pronouncement made in this regard in the National Forest Policy, 1988.

2.1 All the cases of subsisting encroachments where the State Governments stand committed to regularise on account of past commitments may be submitted to this Ministry for seeking prior approval under the Forest (Conservation) Act, 1980. Such proposals should invariably conform to the criteria given below:-

**1. Pre-1980 ENCROACHMENTS WHERE THE STATE GOVERNMENT HAD TAKEN A DECISION BEFORE ENACTMENT OF THE FOREST (CONSERVATION) ACT, 1980, TO REGULATE 'ELIGIBLE' CATEGORY OF ENCROACHMENTS.**

1.1 Such cases are those where the State Governments had evolved certain eligibility criteria in accordance with local needs and conditions and had taken a decision to regularise such encroachments but could not implement their decision either wholly or partially before the enactment of the Forest (Conservation) Act on 25.10.80.

1.2 All such cases should be individually reviewed. For this purpose the State Govt. may appoint a joint team of the Revenue, Forest and Tribal Welfare Departments for this work and complete it as a time bound programme.

1.3 In cases where proposals are yet to be formulated, the final picture after taking into considerations all the stipulations specified here may be placed before the concerned Gaon Sabha with a view to avoid disputes in future.

1.4 All encroached lands proposed for regularisation should be properly surveyed.

1.5 Encroachments proposed to be regularised must have taken place before 25.10.80. This must be ascertained from the First Offence Report issued under the relevant Forest Act at that point of time.

1.6 Encroachments must subsist on the field and the encroached land must be under continuous possession of the encroachers.

1.7 The encroacher must be eligible to avail the benefits of regularisation as per the eligibility criteria already fixed by the State.

1.8 As far as possible scattered encroachments proposed to be regularised should be consolidated/ relocated near the outer boundaries of the forests.

1.9 The outer boundaries of the areas to be denotified for regularisation of encroachments should be demarcated on the ground with permanent boundary marks.

1.10 All the cases proposed to be regularised under this category should be covered in one proposal and it should give districtwise details.

1.11 All cases of proposed regularisation of encroachment should be accompanied by a proposal for compensatory afforestation as per existing guidelines.

1.12 No agricultural practices should be allowed on certain specified slopes.

**2. INELIGIBLE CATEGORY OF PRE-1980 ENCROACHMENTS WHERE THE STATE GOVERNMENTS HAD TAKEN A DECISION PRIOR TO THE ENACTMENT OF THE FOREST (CONSERVATION) ACT, 1980.**

2.1 Such cases should be treated at par with post 1980 encroachments and should not be regularised.

**3. ENCROACHMENTS THAT TOOK PLACE AFTER 24.10.80.**

3.1 In no case encroachments which have taken place after 24.10.1980 should be regularised. Immediate action should be taken to evict the encroachers. The State/UTs Government may, however, provide alternate economic base to such persons by associating them collectively in afforestation activities in the manner suggested in this Ministry's letter No. 6-21/69-FI' dated 1.6.90, but such benefits should not extend to fresh encroachers.

This Ministry may kindly be apprised of the action taken/ proposed to be taken in this regard.

**11.4. FP (4) Elimination of intermediaries and payment of fair wages to the labourers on forestry works**

Forestry works are one of the important sources of livelihood to the tribals and other rural poor living in and around forests. On a number of occasions in the past, especially in the deliberations of the Central Board of Forestry, the need to eliminate contractors and other intermediaries in forestry operations has been emphasised with a view to ensure fair wages to the labourers. The National Forest Policy, 1988 has again reiterated that contractors should be replaced by institutions such as tribal cooperatives, labour cooperatives Government cooperatives etc as early as possible. A number of States/UTs have taken steps to excite these works through Government agencies viz. State Forest Departments, Forest Corporations. Nevertheless, at operational level certain aberrations still persist resulting in under payment of wages to the labourers. In order to protect tribals and other rural poor from and fair wages to them, the following guidelines may kindly be complied with

- a. no outside labour should be engaged in forestry operations where local tribal labour is adequately available;
- b. no contract should be entered into for imported labour;
- c. tribal cooperatives should be involved wherever labour is in short supply,

- d. representatives of Tribal Welfare Departments should sit in the Wage Board appointed by Forest Department for fixation of daily wages rates;
- e. norms for payment of wages for piece works should be worked out by carrying out detailed work studies; and
- f. uniform wage rates should be prescribed for similar piece of works throughout the area by the State Government for all agencies; and
- g. for payment of wages for forestry operations the State Forest Department and Forest Corporations should comply with the provisions of the Minimum Wages Act

Action taken/ proposed to be taken in this respect may kindly be intimated to this Ministry.

Joint Secretary,  
Government of India

#### II.4. FP (5) Conversion of forest villages into revenue villages and Settlement of other old habitations

Forest villages were set up in remote and inaccessible forest areas with a view to provide uninterrupted man-power for forestry operations. Of late, they have lost much of their significance owing to improved accessibility of such areas, expansion of human habitations and similar other reasons. Accordingly, some of the States converted forest villages into revenue villages well before 1980. Nevertheless, there still exist between 2500 to 3000 forest villages in the country. Besides, some cases of other types of habitations e.g. unauthorised houses/ homesteads, dwellings of tribals who have been living in them in virtually pre-agrarian life styles, are suspected to exist in forest lands even though these may not have been recognised either as revenue villages or forest villages.

2. In March, 1984, the then Ministry of Agriculture suggested to the state/UT Govts that they may confer heritable and inalienable rights on forest villagers if they were in occupation of land for more than 20 years. But this suggestion does not seem to have been fully implemented. Development of forest villages has also been endorsed in the National Forest Policy, 1986 which states that these should be developed on par with revenue villages. This issue was again examined by an inter - Ministerial Committee, set up by this Ministry to look into various aspects of tribal-forest-interface, in consultation with representatives of some of the States.

3. Although the forest villages have lived in harmony with their surrounding forests and the concept of forest villages proved an effective arrangement for sustained supply of manpower, yet it would not be appropriate to deny them legitimate rights over such land which were allotted to them decades ago for settlement and have been continuously under their occupation since then. Keeping this aspect and the recommendations of the inter - Ministerial Committee the following measures are suggested to resolve the outstanding issues of forest villages and other types of habitations existing in forest lands.

### 3.1 *Forest villages*

Forest villages may be converted into revenue villages after denotifying requisite land as forest. Proposals seeking prior approval of Government of India for this purpose under the Forest (Conservation) Act, 1980 may be submitted "expeditiously. While converting these villages into Revenue Villages, the following principles may be adhered to:

- (i) the villages are conferred heritable but inalienable rights;
- (ii) administration of these and other Revenue Villages enclaved in forest areas should preferably be entrusted to the State Forest Departments.

### 3.2 *Other Habitations*

(a) Habitations other than Forest Villages may be grouped into the following categories:

- (i) Cases where dwellings belong to persons who have encroached on forest land for cultivation.
  - (ii) dwelling of other persons who have been living therein since past without encroaching on forest land for cultivation but their habitations are neither recognised as Revenue Villages nor Forest Villages.
- (b) Each case may be examined on its merits. Suggestions for resolving the cases are given below:
- (i) In case of category (a) (i) above, wherever encroachments for agricultural cultivation are regularised, the house sites and homesteads, too, may be regularised either in situ or as near to agricultural field as possible subject to certain safeguards in the interest of forest protection and "eligibility" criteria as may be evolved by the State Government.
  - (ii) In case of category (a)(ii) above, certain specific habitations, more than 25 years old, involving sizeable group of families, may be examined, case by case, on merits for their amicable settlement.
  - (iii) Scheduled Tribes and rural poor not covered under (i) and (ii) above should be resettled in non-forest Government land.
  - (iv) All other unauthorised habitations must be evicted.
  - (v) Wherever provisions of the Forest (Conservation) Act, 1980 are attracted, comprehensive proposals may please be submitted for seeking prior approval of this Ministry. It may kindly be noted that such proposals will be considered only when the State/ UT Govt ensure that all the measures are taken simultaneously

and effectively and are accompanied with proposals for compensatory afforestation.

4. This Ministry may kindly be kept informed of the action taken/proposed to be taken in this regard.

#### **II.5. FP (6) Payment of compensation for loss of life and property due to predation/depredation by wild animals.**

It has been observed that loss of life and property by wild animals is not compensated adequately by the State Governments. Different States have different norms for compensating such losses. The maximum compensation for loss of human life varies from Rs. 2000 (Orissa) to Rs. 20,000 (Bihar). In the interest of inhabitants in and around forests as well as wild fauna it is essential that loss of human life is compensated in such a way that it is fully commensurate with the amount required to settle the dependents of a deceased earning member of the family. The loss of property including livestock also needs to be compensated fully.

2. This issue was discussed in detail by an inter-ministerial committee set up by this Ministry for this purpose. The recommendations of the Committee were considered and after obtaining approval of the competent authority it is suggested that the following norms may be accepted for the same being.

- (a) Death or permanent incapacitation - Minimum of Rs 20,000/- Part amount of the compensation should be paid through long term deposit;).
- (b) Grievous injury - one third of (a).
- (c) Minor injury - cost of treatment.
- (d) Loss of cattle - Market value (category-wise).
- (e) Damage to house or crop or any other property - As per assessment of damage. Compensation should be revised subsequently to bring it on par with the amount admissible to riot victims. The quantum of compensation may be reviewed periodically with a view to bring it on par with any better norm.

2.1 The compensation shall be governed under the regulations made under Wildlife (Protection) Act.

This Ministry may kindly be apprised of the action taken/proposed to be taken in this regard.



**F.No.11-48/2002-FC**  
**Govt. of India**  
**Ministry of Environment & Forests**  
**F.C. Division**

**Paryavaran Bhawan,**  
**CGO. Complex, Lodhi Road**  
**New Delhi,**

Date: 29<sup>th</sup> April, 2005

To

The Principal Secretary (Forests)  
All States/UTs.

**Sub: Guidelines under Forest (Conservation) Act, 1980, for up-gradation of 'Kutchha roads constructed prior to 1980 in forest areas, to Pucca roads'.**

Sir,

In continuation of this Ministry's letter of even number dt. 14.9.04 regarding guidelines for repair and maintenance of roads constructed on forest lands prior to 1980, and with reference to the above - mentioned subject, I am directed to convey the approval of the Central Govt. to the following guidelines, meant for up-gradation of 'Kutchha roads constructed prior to 1980 in forest areas, to Pucca roads.

1. The up-gradation of roads constructed in forest areas prior to 1980 from 'Kutchha to Pucca' is allowed to the extent that these roads are not black topped/tarred, and if during the process of up-gradation, these roads need to be black topped / tarred, prior environmental clearance shall be sought by the user agency in this regard.
2. For such up-gradation in protected Areas like National Park/Sanctuaries, prior permission of National Board of Wildlife and the Supreme Court shall be taken by the State/UT Government.
3. Fire for melting of coal tar and mixing, shall be lit at a safe distance from the trees/vegetation, which shall be decided by the concerned Divisional Forest Officer. For such constructions, it is better to avoid dry /hot windy seasons. For this purpose, fuel wood shall be purchased by the implementing agency in advance from the depot of State Forest Development Corporation.
4. No crushing breaking of stones shall be allowed inside forest areas. Readymade materials shall be used for up-gradation of such roads.
5. Both sides of the upgraded roads shall be reinforced with brick/stone works, and vegetative measures to check soil erosion, at the project cost, in consultation with the Divisional Forest Officer.
6. No tree felling shall be allowed.
7. No widening of roads shall be undertaken without prior permission of the Central Govt. under Forest (Conservation) Act, 1980.
8. No breaking of fresh forest land shall be carried out.

9. Plantation activities, if the concerned Divisional Forest Officer finds it necessary, shall be taken up along the road at the project cost immediately. The plantation shall be maintained at the project cost.
10. No labour camp shall be established on the forest lands.
11. No work shall be allowed after sunset.
12. Any other condition that the Divisional Forest Officer may impose from time to time for the protection and improvement of flora and fauna in the forest area, shall be applicable.
13. Any damage to forest area due to such up-gradation works shall be compensated by the implementing agency from the project cost. The extent of damage shall be assessed by the concerned Divisional Forest Officer.
14. State Forest Department shall establish permanent check posts on strategic locations on such roads which are already up-graded/ under up-gradation.

Yours faithfully,

Sd/-

(Anurag Bajpai)

Asst. Inspector General of Forests

**F. No. 2 – 3 / 2004 - FC**  
**GOVERNMENT OF INDIA**  
**MINISTRY OF ENVIRONMENT AND FORESTS**  
**(F.C. Division)**

**Paryavaran Bhawan.**  
**C.G.O Complex, Lodhi Road,**  
**New Delhi – 110 003.**

Dated: 3<sup>rd</sup> November, 2005.

To

The Chief Secretary /Administrator,  
(All State/Union Territory Governments)

**Sub: Guidelines for diversion of forest land for non-forest purposes under the Forest (Conservation) Act, 1980- verification/recognition of rights of tribals and forest dwellers on forest land.**

Sir,

State/Union Territory (UT) Governments are aware that this Ministry has issued detailed guidelines on 18<sup>th</sup> September 1990 to address contentious issues related to forest - tribal interface namely (i) settlement of disputed claims arising out of defective forest settlement, (ii) cases of pattas, leases, grants involving forest land (iii) conversion of forest villages into revenue villages and settlement of other old habitations, and (iv) regularization of encroachment on forest land. These guidelines had provided for a three - member committee consisting of an official each from Revenue, Tribal welfare and Forest Departments to verify the rights/claims of tribal and other forest dwellers covered under the above guidelines.

2. The guidelines of 18<sup>th</sup> September, 1990 mentioned above sought to address the problems of the forest dwellers, including tribals, which originated from faulty forest consolidation both during the British and the post independence periods. However, no further progress could be made due to various reasons and no proposal was received by the Central Government for consideration under the provisions of Forest (Conservation) Act, 1980. The Central Government also issued a clarification vide letter No. IGF/FC/2002 dated, 30.10.2002 regarding settlement of disputed claims, simplified the procedure for stepping up of process of conservation of forest villages into revenue villages vide letter No.11-70/2002-FC/(Pt.) dated 03.02.04 and issued supplementary guidelines for regularization of the rights of the tribals and other forest dwellers on forest land vided circular No.2-1/2003-FC (Pt). dated 05.02.2004.

3. State/UT Governments are also aware that the Hon'ble Supreme Court of India has issued certain directions which are also related to a few issues of forest tribal interface. These are (i) order dated 13.11.2000 restraining de-reservation of forests till further orders (ii) order dated 23.11.2001 restraining regularization of encroachment on forest land till further orders, and (iii) order dated 23.2.2004 staying the operation of Ministry's guidelines dated 5.2.2004 cited above. The Central Government has already filed affidavits and requested the Apex Court to modify/ withdraw the above restraints.

4. However, in pursuance of the Supreme Court Order dated 23.11.2001, the Central Government has instruction all the State/UT Governments on 3<sup>rd</sup> May 2002 to evict all ineligible encroachers from forest land in a time bound manner. Consequent follow-up action by the State/UT Governments for evicting the in-eligible encroachers brought the issue of the disputed claims and rights of the genuine tribals and for ST dwellers on the forest land, to the forefront. Upon critical examination of the issue, it emerged that State/UT Governments could not maintain a distinction between traditional tribals / forest dwellers and in-eligible encroachers, while dealing with the eviction of in-eligible encroachers.

5. The Ministry of Environment and Forests observed that, though the orders dated 13.11.2000, 23.11.2001 and 23.2.2004 of the Supreme Court are still in force, there is no bar on verification of claims related to the period prior to 25.10.1980 which can be undertaken to avoid further delay in resolving the matter once the Apex Court accepts the request of the Government to withdraw / modify the restrictions imposed by it. Simultaneously, taking the genuineness of claims of tribals / forest dwellers into consideration and without prejudice to Supreme Court orders, the Ministry of Environment and Forests found it appropriate to request the State/UT Governments that, as an interim measure they should not resort to eviction of tribals and forest dwellers other than in-eligible encroachers till complete survey is done for recognition of such people and their rights. Orders have already been issued in this regard by the Ministry of Environment and Forests vide letter dated 21.12.2004.

6. Therefore, without prejudice to the orders of the Hon'ble Supreme Court of India, keeping in view the facts mentioned above and with on objective of making best use of interregnum to a verify the claims of tribals /forest dwellers, the State/UT Governments are requested to adopt following procedures.

## **1. FORMATION OF COMMITTEES**

- (i) Set up a village Level or Local Committee to verify the claims of disputed settlement of tribals and forest dwellers (other than in-eligible encroachers) on forest land. This committee shall consist of the following members:-
- a) Sarpanch of the village (Chairperson).
  - b) Two knowledgeable village elders or senior citizens (at least one being women) selected in Gram Sabha meeting specifically called for this purpose.
  - c) Talathi or patwari;
  - d) Chairman of the Joint Forest Management Committee (if existing ) and;
  - e) Forest /Beat Guard (to be Secretary of the Committee).

In case of Group Gram Panchayat and for villages other than the main village, a member of Gram Panchayat will be the chairperson. In case of forest settlements not coming under any Gram Panchayat, the traditionally accepted Mukhiya shall be the Chairperson.

- (ii) Set up Block of Taluka Level Review Committee to review such cases where the claimant is aggrieved by the decision of the Village Level or Local Committee. This Committee shall consist of the following members.
- a. Member of Zilla Parishad as Chairperson (nominated by Chairperson of Zilla Parishad).
  - b. Member of Panchayat Samiti (nominated by the Block Pamukh).
  - c. Naib Tehsildar;
  - d. Asst. Tribal Welfare Officer or Asst. Project Officer (ITDP); and
  - e. Concerned Range Forest Officer nominated by the territorial Divisional Forest Officer concerned (to be Secretary of the Committee).
- (iii) Set up District Level Committee (DLCs) involving Deputy Collector, Sub-Divisional Forest Officer and the representative of Tribal Welfare Department for final notification. Sub-Divisional Forest Officer (Asst. Conservator of Forests) shall be the Convener of the Committee.

**(2) PROCEDURE TO BE FOLLOWED BY THE COMMITTEES.**

- a) It is a necessary to examine all claims pertaining to disputed claims arising out of defective forest settlements and pattas and leases granted on forest land. This will be done within the purview of the guidelines of Government of India dated 18.09.1990. The claims should cover not only claims over individual plots of land but also collective / communitarian ownership claims and should include claims over forest products from surrounding forests based on customary use and / or use permitted by earlier princely state / zamindari regimes. The claims of shifting cultivators and pre-agricultural communities should also be addressed within such a framework.
- b) With a view to ensuring that –
- (i) all concerned claimants are informed
  - (ii) all claimants have an opportunity to make their claims in their language.
  - (iii) the weaker sections of the community are spared the time and expense of travel,
  - (iv) all claimants are covered and no person is not given an opportunity to be heard,

Calling for and verification of claims shall be done in the gram sabha meeting of the village specifically called by the Local Committee for the purpose.

- c) A timetable giving the dates and time of the meetings of the gram sabha should be prepared and publicized in advance within a fixed time period.
- (i) to select two village elders or senior citizens to act as members of the committee.
  - (ii) for the local committee to invite claims supported by evidence.
  - (iii) for the local committee to verify the claims and present their findings.
- d) A team comprising one officer each from Revenue, Tribal Welfare and Forest Departments should be appointed at Block Level to ensure that the process is conducted in a disciplined and regulated manner to enhance local women and men's participation.
- e) Traditional methods of publicity in the local language must be used to inform the people about the programme of deciding the eligibility of claims. Field staff of State Forest Department, Joint Forest Management Committees (if existing), Rural Development, Social Welfare and ICDS etc. should be involved in disseminating information about the

progress, particularly to village women through the organizations such as SHGs and Mahila Mandals.

- f) Information regarding the task of the committee, its aims, objectives and procedure should be made available in the village square, Gram Panchayat office of all villages, Panchayat Samiti, Forest Range Office and Tahsil Office as well as ICDS, RD, State Forest Department, Health and Education Departments. State Forest Department shall pay special attention in communicating information to remote settlements and un-surveyed villages.
- g) After publicizing the programme of the Gram Sabha at least three weeks in advance, a Gram Sabha meeting calling for claims should be conducted by the village committee.
- h) On receipt of complete application (in Gram Sabha) from the claimants, all claims should be verified in the presence of the assembly in the subsequent Gram Sabha meeting specifically called for the purpose not later than two weeks of such receipt.
- i) As far as possible all meetings of the Gram Sabha should necessarily be held in the late afternoon or late evenings so as to ensure large attendance of villagers.
- j) All Claims verified and accepted by the village Level or Local Committee shall be forwarded to the Block Level Review Committee.
- k) The Local Committee will also give a copy of its findings to the claimants in the Gram Sabha meeting.
- l) the Block Level Review Committee will submit its recommendations to the District Level Committee (DLC) for final ratification DLC, while ratifying, will take following into consideration.
  - (i) The DLC must satisfy itself that the name(s) of the tribals / forest dwellers exist in the census data of 1981, 1991 and 2001 including the electoral rolls of the area to confirm their existences and continued possession of forest land till date.
  - (ii) The tribals and other forest dwellers should be living on the forest land prior to 1980 and also should be in continued possession of forest land till date.
  - (iii) In no case, the Committee shall entertain any claim in which the claimant has not been in possession of the disputed land throughout.

- (iv) The Committees shall examine traditional and customary rights of the particular tribe and other forest dwellers on particular forest land and forest produce.
- (v) The Committee shall examine the land use pattern of the forest land under occupation of such people.
- m) All appeals will be heard by the Block Level Review Committee or District Level Committee, as the case may be after three weeks notice of the appellant.

**(3) NATURE OF EVIDENCE TO BE PRODUCED BEFORE THE LOCAL /BLOCK LEVEL COMMITTEES.**

- a) It is necessary to clarify the type of evidence(s) that may be used to decide the period of land occupation. As a ROR is not necessarily a proof of claim or otherwise, an assessment of the ground realities, as they existed in the relevant time, is necessary and is possible by verification of natural and situational evidence(s) of the subsisting claims. Hence, a responsible local committee conversant with ground realities has the opportunity to verify the same and can record the evidence of the claimant and opinion of other knowledgeable villagers about the point of time since when the land has been under continuous occupation of the claimant. Benefit of doubt should be given to the claimant.
- b) A variety of evidences, both oral and/or documentary, establishing the claim period can be regarded as proof of the claim, hence, the Committee can accept the following as evidence.
  - (i) Documentary evidence from any Government/Semi-Government source;
  - (ii) Documentary evidence from any prior research or documentation of a reputed institution, including survey maps.
  - (iii) Relevant evidence gathered from spot verification to be done by more than three members of the committee including patwari;
- c) It is important that the village Level or Local Committee definitively decides about the period of the claim. While giving the findings about eligible cases, the following two points should be kept in mind;
- d) The claimant should also fulfill all other conditions laid down in the respective Government's decisions in that regard. In case, the eligibility criteria specified by the



respective State/UT Government are not in consonance with those constrained in the guidelines issued in 1990 by the Ministry of Environment and Forests, the latter i.e. Provisions of 1990 tribal- forest guidelines shall prevail.

- e) If the respective State/UT Government has not issued any specific orders prescribing any other eligibility criteria for claims arising out of defective forest settlements, pattas and leases granted and subsisting encroachments prior to 1980, the criteria laid down in the 1990 guidelines issued by the Ministry of Environment and Forests shall be adopted.

#### **4. CRITERIA FOR ACCEDPTING CLAIMS.**

While deciding upon the claim, the village level committee should pay attention to the following criteria within the limits of the guidelines issued by the Ministry of Environment and Forests in 1990.

- (i) All claims where the claimant has Government / Semi-Government/ other relevant documentary evidence in support, and the claimant has been living on the forest land prior to 1980 and also is in continuous possession of forest land till date, should be accepted.
- (ii) If a claimant does not have documentary evidence in support of her/his claim but the gram sabha, on the basis of other relevant evidence, is of the opinion that the claim is legitimate, such claims should be carefully examined by the local committee and the benefit of doubt should be given to the claimant. Decision of the local committee shall be taken by simple majority.
- (iii) If the claimant does not have relevant documentary evidence and the gram sabha has also projected her / his claim, the veracity of such claims should be carefully examined by the local committees and such claims should be specifically referred to the review committee.
- (iv) Claims should cover not only claims regarding individual plots of land but also collective/ communitarian ownership claims. Claims should also include claims over forest products based on customary use. Claims of shifting cultivators and pre-agricultural communities should also be addressed within this frame work.
- (v) All claims that are upheld within the purview of the 1990 guidelines of the Ministry of Environment and Forests shall be forwarded by DLC to the Nodal Officer (Forest

Conservation) of the State /UT Government who in turn shall forward the proposal duly recommended by the PCCF, to the State /UT Government.

- (vi) In cases, where claims are rejected, necessary action should be taken for ex-situ rehabilitation on non-forest Government lands.
- (vii) In case of National Parks/Sanctuaries, State/UT Governments shall consider ex-situ rehabilitation on non-forest Government lands outside the limits of the National Parks/Sanctuaries.
- (viii) The proposals to be sent to Central Government should be submitted according to the procedure and conditions prescribed under the Forest Conservation Act, 1980 and shall in addition, include a proposal for permanent demarcation of the land for which claims are proposed to be settled and a proposal for Compensatory Afforestation in lieu of forest land diverted for settlement.

#### **5. TRAINING AND PUBLICITY WORKSHOP AT TALUKA LEVEL.**

- (i) The following process may be adopted with a view to expedite the process and keep it simple;

Pre planned publicity should be done. After the publicity is done, and before the process of verification is initiated, training workshops be organized by the district committee with the assistance of knowledgeable NGOs at the taluka level for Sarpanchas, Dy. Sarpanchas, Panchayat Samiti and Zila Parishad members, Forest Officers and functionaries, Tribal Welfare Officers and functionaries, Traditional Leaders, Senior citizens, Journalists, Revenue Officials and functionaries, Talathis and members of the Taluk/ Village level Committees.

- (ii) All officials should be invited to these workshops and should be given the information of the procedures and processes of village level enquiry.
- (iii) A separate session should be held for NGOs, CBOs, Activists and Journalists.
- (iv) Gram Sabha meetings should be held after the programme is planned and announced.

#### **6. OTHER MATTERS**

- (i) To supervise the progress of verification of claims of forest dwellers, including tribals, on forest land prescribed under these guidelines mentioned above, a State

Level Task Force may be constituted under the chairmanship of Chief Secretary with Principal Chief Conservator of Forests, being the co-chair. Task Force shall meet after every three months.

- (ii) Entire process may be completed within a period of one year.
- (iii) Last but not least, the purpose of this communication is to complete the process of survey and documentation of claims for future implementation (subject to the final orders to be passed by the Hon'ble Supreme Court of India) of the guidelines dated 18.09.1990 of the Ministry of Environment and Forests, as relevant to pre-1980 situation, in respect of which no follow up action could be taken presumably for want of supporting procedural guidelines. These procedures have been prescribed now without prejudice to the orders of the Apex Court.

Yours faithfully,

Sd/-

Sandeep Kumar

Assistant Inspector General of Forests

Copy to:-

1. Principal Secretary / Secretary / Secretary (Forests, All State / Union Territory Governments).
2. PCCFS / Nodal Officers, All States / UTs.
3. All Regional Offices, Ministry of Environment and Forests, Government of India.
4. AND OTHERS.

Sd/-

Sandeep Kumar

Assistant Inspector General of Forests

**Secretary to the Government of India  
Ministry of Tribal Affairs  
Shastri Bhawan, New Delhi – 110001  
Website: [www.tribal.nic.in](http://www.tribal.nic.in)  
E-mail: [meena.gupta@nic.in](mailto:meena.gupta@nic.in)**

**D.O.No.17014/4/2005-S & M/PC & V (Pt.)**

**February 14, 2006**

**Dear Subas,**

As you are aware, the **tenurial and access rights of forest dwelling Scheduled Tribes in respect of forest land, traditionally habited by them for ages**, have not been adequately recognized under the existing rules and guidelines, resulting in historical injustice to them. The National Common Minimum Programme (NCMP) of the UPA Government also emphasizes the urgent need to redress the problems of the tribal communities dependent on forests and to undo the historical injustice done to them.

2. In order to meet the commitments in the NCMP, the Ministry of Tribal Affairs was mandated to formulate a comprehensive legislation for redressing the historical injustice done to tribal communities and for clear assertion of their legal rights on land. After extensive consultations with the concerned Central Ministries, wildlife experts, environmentalists and tribal right experts, this Ministry has introduced a Scheduled Tribes (Recognition of Forest Rights) Bill, 2005 in the Lok Sabha on 13<sup>th</sup> December, 2005, which seeks to recognize and vest the forest rights and occupation in forest land in forest dwelling Scheduled Tribes, who have been residing in such forests for generations, and to provide a framework for recording the forest rights so vested. The Bill when enacted would recognize the rights of forest dwelling Scheduled Tribes relating to their (a) tenurial security, providing them a great relief against the physical and psychological alienation of land belong to them; (b) livelihood in terms of subsistence agriculture and ownership of Minor Forest produce (MFP), including rights to collect, trade and process the same; and (c) traditional and customary rights.

3. A copy of the Scheduled Tribes (Recognition of Forest Rights) Bill, 2005, as introduced in the Lok Sabha, is enclosed. The Bill has been referred to a Joint Committee of both the Houses of Parliament for consideration.

4. The Joint Committee, at its sitting held on 16<sup>th</sup> January, 2006, desired that the Bill might be translated into some of the regional languages and circulated in the States/Union Territories concerned in order to elicit suggestions from a wide section of the people of the country. The Ministry had accordingly approached the Ministry of Law and Justice (Legislative Department) to find out the feasibility of the translation of the Bill into some of the regional languages and the arrangements available with them for getting the bill translated into the regional languages. The Ministry of Law & Justice (Legislative Department), vide their Letter No.13(1) / Misc./06/Leg. II dated 27<sup>th</sup> January, 2006 (copy enclosed), has advised this Ministry to approach the respective State Governments for the translation of the Bill into any particular regional language. On being apprised of this position, the Joint Committee on the Bill has also desired this Ministry to take up the matter regarding translation of the Bill into regional Languages with respective State Governments and also arrange for its wide publicity.

5. We would, therefore, request you to kindly have the enclosed Bill translated into Oriya language, through the concerned Department of the State Government, and provide a copy thereof to this Ministry urgently for apprising the Joint Committee. You are also requested to kindly arrange for wide publicity of the provisions of the Bill amongst the wide section of the people in the State, as desired by the Joint Committee.

Yours sincerely,

Sd/-  
(Meena Gupta)

Shri. S. C.Pani  
Chief Secretary,  
Government of Orissa,  
Bhubaneswar.



भारत का राजपत्र

The Gazette of India

असाधारण

EXTRAORDINARY

भाग II - खण्ड - I

PART II - Section I

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. २ नई दिल्ली, मंगलवार, जनवरी २, २००७/ पौष १२, १९२८  
No. 2 NEW DELHI, TUESDAY, JANUARY 2, 2007/PAUSA 12, 1928

एक भाग में दिए हुए खण्ड की धारा १ के अन्तर्गत यह अलग संकलन के रूप में रखा जा सके।  
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 2nd January, 2007/Prusa 12, 1928 (Saka)

The following Act of Parliament received the assent of the President on the 29th December, 2006, and is hereby published for general information:-

THE SCHEDULED TRIBES AND OTHER TRADITIONAL FOREST DWELLERS (RECOGNITION OF FOREST RIGHTS) ACT, 2006

No. 2 of 2007

(29th December, 2006)

An Act to recognise and vest the forest rights and occupation in forest land in forest dwelling Scheduled Tribes and other traditional forest dwellers who have been residing in such forests for generations but whose rights could not be recorded; to provide for a framework for recording the forest rights so vested and the nature of evidence required for such recognition and vesting in respect of forest land.

WHEREAS the recognised rights of the forest dwelling Scheduled Tribes and other traditional forest dwellers include the responsibilities and authority for sustainable use, conservation of biodiversity and maintenance of ecological balance and thereby strengthening the conservation regime of the forests while ensuring livelihood and food security of the forest dwelling Scheduled Tribes and other traditional forest dwellers;

AND WHEREAS the forest rights on ancestral lands and their habitat were not adequately recognised in the consolidation of State forests during the colonial period as well as in independent India resulting in historical injustice to the forest dwelling Scheduled Tribes and other traditional forest dwellers who are integral to the very survival and sustainability of the forest ecosystem;

AND WHEREAS it has become necessary to address the long standing insecurity of tenurial and access rights of forest dwelling Scheduled Tribes and other traditional forest dwellers including those who were forced to relocate their dwelling due to State development interventions.

BE it enacted by Parliament in the Fifty-seventh Year of the Republic of India as follows :-

## CHAPTER I PRELIMINARY

- Short title and commencement
1. (1) This Act may be called the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.
- (2) It extends to the whole of India except the State of Jammu and Kashmir.
- (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.
- Definitions
2. In this Act, unless the context otherwise requires, -
- (a) "Community forest resource" means customary common forest land within the traditional or customary boundaries of the village or seasonal use of landscape in the case of pastoral communities, including reserved forests, protected forests and protected areas such as Sanctuaries and National Parks to which the community had traditional access;
- (b) "Critical wildlife habitat" means such areas of National Parks and Sanctuaries where it has been specifically and clearly established, case by case, on the basis of scientific and objective criteria, that such areas are required to be kept as inviolate for the purposes of wildlife conservation as may be determined and notified by the Central Government in the Ministry of Environment and Forests after open process of consultation by an Expert Committee, which includes experts from the locality appointed by that Government wherein a representative of the Ministry of Tribal Affairs shall also be included, in determining such areas according to the procedural requirements arising from sub-sections (1) and (2) of section 4;
- (c) "Forest dwelling Scheduled Tribes" means the members or community of the Scheduled Tribes who primarily reside in and who depend on the forests or forest lands for bonafide livelihood needs and includes the Scheduled Tribe pastoralist communities;
- (d) "forest land" means land of any description falling within any forest area and includes unclassified forests, undermarked forests, existing or deemed forests, protected forests, reserved forests, Sanctuaries and National Parks;
- (e) "forest rights" means the forest rights referred to in section 3;
- (f) "forest villages" means the settlements which have been established inside the forests by the forest department or any State Government for forestry operations or which were converted into forest villages through the forest reservation process and includes forest settlement villages, fixed demand holdings, all types of *saungya* settlements, by whatever name called, for such villages and includes lands for cultivation and other uses permitted by the Government;
- (g) "Gram Sabha" means a village assembly which shall consist of all adult members of a village and in case of States having no Panchayats, Padas, Tolas and other traditional village institutions and elected village committees, with full and unrestricted participation of women;

- (h) "habitat" includes 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;
- (i) "minor forest produce" includes all non-timber forest produce of plant origin including bamboo, brush wood, stumps, cane, tussar, cocoons, honey, wax, lac, tendu or kendu leaves, medicinal plants and herbs, roots, tubers and the like;
- (j) "nodal agency" means the nodal agency specified in section 11;
- (k) "notification" means a notification published in the Official Gazette;
- (l) "prescribed" means prescribed by rules made under this Act;
- (m) "Scheduled Areas" means the Scheduled Areas referred to in clause (1) of article 244 of the constitution;
- (n) "sustainable use" shall have the same meaning as assigned to it in clause (o) of section 2 of the Biological Diversity Act, 2002;
- (o) "other traditional forest dweller" means any member or community who has for at least three generations prior to the 13th day of December, 2005 primarily resided in and who depend on the forest or forests land for *bonafide* livelihood needs.
- Explanation - For the purpose of this clause, "generation" means a period comprising of twentyfive years.
- (p) "Village" means -
- (i) a village referred to in clause (b) of section 4 of the Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996; or
  - (ii) any area referred to as a village in any State law relating to Panchayats other than the Scheduled Areas; or
  - (iii) forest villages, old habitation or settlements and unsurveyed villages, whether notified as village or not; or
  - (iv) In the case of States where there are no Panchayats, the traditional village, by whatever name called;
- (q) "Wild animal" means any species of animal specified in Schedules I to IV of the Wild Life (Protection) Act, 1972 and found wild in nature.

## CHAPTER II FOREST RIGHT :

3. (1) For the purposes of this Act, the following rights, which secure individual or community tenure or both, shall be the forest rights of forest dwelling Scheduled Tribes and other traditional forest dwellers on all forest lands, namely :-

Forest rights of  
Forest  
dwelling  
Scheduled  
Tribes and



- (a) right to hold and live in the forest land under the individual or common occupation for habitation or for self-cultivation for livelihood by a member or members of a forest dwelling Scheduled Tribe or other traditional forest dwellers;
- (b) community rights such as *nistar*, by whatever name called, including those used in erstwhile Princely States, Zamindari or such intermediary regimes;
- (c) right of ownership, access to collect, use, and dispose of minor forest produce which has been traditionally collected within or outside village boundaries;
- (d) other community rights of uses or entitlements such as fish and other products of water bodies, grazing (both settled or transhumant) and traditional seasonal resource access of nomadic or pastoralist communities;
- (e) rights including community tenures of habitat and habitation for primitive tribal groups and pre-agricultural communities;
- (f) rights in or over disputed lands under any nomenclature in any State where claims are disputed;
- (g) rights for conversion of *Pattas* or leases or grants issued by any local authority or any State Government on forest lands to titles;
- (h) rights of settlement and conversion of all forest villages, old habitation, unsurveyed villages and other villages in forests, whether recorded, notified or not into revenue villages;
- (i) right to protect, regenerate or conserve or manage any community forest resource which they have been traditionally protecting and conserving for sustainable use;
- (j) rights which are recognised under any State law or laws of any Autonomous District Council or Autonomous Regional Council or which are accepted as rights of tribals under any traditional or customary law of the concerned tribes of any State;
- (k) right of access to biodiversity and community right to intellectual property and traditional knowledge related to biodiversity and cultural diversity;
- (l) any other traditional right customarily enjoyed by the forest dwelling Scheduled Tribes or other traditional forest dwellers, as the case may be, which are not mentioned in clauses (a) to (k) but excluding the traditional right of hunting or trapping or extracting a part of the body of any species of wild animal;
- (m) right to *in situ* rehabilitation including alternative land in cases where the Scheduled Tribes or other traditional forest dwellers have been illegally evicted or displaced from forest land of any description without receiving their legal entitlement to rehabilitation prior to the 13th day of December, 2005.

other  
traditional  
forest dwellers.

(2) Notwithstanding anything contained in the Forest (Conservation) Act, 1980, the Central Government shall provide for diversion of forest land for the following facilities managed by the Government which involve felling of trees not exceeding seventy-five trees per hectare, namely :-

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- (a) schools;
- (b) dispensary or hospital;
- (c) anganwadis;
- (d) fair price shops;
- (e) electric and telecommunication lines;
- (f) tanks and other minor water bodies;
- (g) drinking water supply and water pipelines;
- (h) water or rain water harvesting structures;
- (i) minor irrigation canals;
- (j) non-conventional source of energy;
- (k) skill up-gradation or vocational training centres;
- (l) roads; and
- (m) community centres :

Provided that such diversion of forest land shall be allowed only if, -

- (i) the forest land to be diverted for the purposes mentioned in this subsection is less than one hectare in each case; and
- (ii) the clearance of such developmental projects shall be subject to the condition that the same is recommended by the Gram Sabha.

### CHAPTER III RECOGNITION, RESTORATION AND VESTING OF FOREST RIGHTS AND RELATED MATTERS

4. (1) Notwithstanding anything contained in any other law for the time being in force, and subject to the provisions of this Act, the Central Government hereby recognises and vests forest rights in -
- (a) the forest dwelling Scheduled Tribes in States or areas in States where they are declared as Scheduled Tribes in respect of all forest rights mentioned in section 3;
  - (b) the other traditional forest dwellers in respect of all forest rights mentioned in section 3.
- (2) The forest rights recognised under this Act in critical wildlife habitats of National Parks and Sanctuaries may subsequently be modified or resettled, provided that no forest rights holders shall be resettled or have their rights in any manner affected for the purposes of creating inviolate areas for wildlife conservation except in case all the following conditions are satisfied namely :-

Recognition of, and vesting of, forest rights in forest dwelling Scheduled Tribes and other traditional forest dwellers.

- (a) the process of recognition and vesting of rights as specified in section 6 is complete in all the areas under consideration;
  - (b) it has been established by the concerned agencies of the State Government, in exercise of their powers under the Wild Life (Protection) Act, 1972 that the activities or impact of the presence of holders of rights upon wild animals is sufficient to cause irreparable damage and threaten the existence of said species and their habitat;
  - (c) the State Government has concluded that other reasonable options, such as, co-existence are not available;
  - (d) a resettlement or alternatives package has been prepared and communicated that provides a secure livelihood for the affected individuals and communities and fulfils the requirements of such affected individuals and communities given in the relevant laws and the policy of the Central Government;
  - (e) the free informed consent of the Gram Sabhas in the areas concerned to the proposed resettlement and to the package has been obtained in writing;
  - (f) no resettlement shall take place until facilities and land allocation at the resettlement location are complete as per the promises package;  
Provided that the critical wildlife habitats from which rights holders are thus relocated for purposes of wildlife conservation shall not be subsequently diverted by the State Government or the Central Government or any other entity for other uses.
- (3) The recognition and vesting of forest rights under this Act to the forest dwelling Scheduled Tribes and to other traditional forest dwellers in relation to any State or Union territory in respect of forest land and their habitat shall be subject to the condition that such Scheduled Tribes or tribal communities or other traditional forest dwellers had occupied forest land before the 13th day of December, 2005.
  - (4) A right conferred by sub-section (1) shall be heritable but not alienable or transferable and shall be registered jointly in the name 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 and in the absence of a direct heir, the heritable right shall pass on to the next-of-kin.
  - (5) Save as otherwise provided, no member of a forest dwelling Scheduled Tribe or other traditional forest dweller shall be evicted or removed from forest land under his occupation till the recognition and verification procedure is complete.
  - (6) Where the forest rights recognised and vested by sub-section (1) are in respect of land mentioned in clause (a) of sub-section (1) of section 3 such and shall be under the occupation of an individual or family or community on the date of commencement of this Act and shall be restricted to the area under actual occupation and shall in no case exceed an area of four hectares.

- (7) The forest rights shall be conferred free of all encumbrances and procedural requirements, including clearance under the Forest (Conservation) Act, 1980, requirement of paying the 'net present value' and 'compensatory afforestation' for diversion of forest land, except those specified in this Act.
  - (8) The forest rights recognised and vested under this Act shall include the right of land to forest dwelling Scheduled Tribes and other traditional forest dwellers who can establish that they were displaced from their dwelling and cultivation without land compensation due to State development interventions, and where the land has not been used for the purpose for which it was acquired within five years of the said acquisition.
5. The holders of any forest right, Gram Sabha and village level institutions in areas where there are holders of any forest right under this Act are empowered to -
- (a) protect the wild life, forest and biodiversity;
  - (b) ensure that adjoining catchments area, water sources and other ecological sensitive areas are adequately protected;
  - (c) ensure that the habitat of forest dwelling Scheduled Tribes and other traditional forest dwellers is preserved from any form of destructive practices affecting their cultural and natural heritage;
  - (d) ensure that the decisions taken in the Gram Sabha to regulate access to community forest resources and stop any activity which adversely affects the wild animals, forest and the biodiversity are complied with.

Duties of holders of forest rights.

### CHAPTER IV AUTHORITIES AND PROCEDURE FOR VESTING OF FOREST RIGHTS

Authorities to vest forest rights in forest dwelling Scheduled Tribes and other traditional forest dwellers and procedure thereof.

6. (1) The Gram Sabha shall be the authority to initiate the process for determining the nature and extent of individual or community forest rights or both that may be given to the forest dwelling Scheduled Tribes and other traditional forest dwellers within the local limits of its jurisdiction under this Act by receiving claims, consolidating and verifying them and preparing a map delineating the area of each recommended claim in such manner as may be prescribed for exercise of such rights and the Gram Sabha shall, then, pass a resolution to that effect and thereafter forward a copy of the same to the Sub-Divisional Level Committee.
- (2) Any person aggrieved by the resolution of the Gram Sabha may prefer a petition to the Sub-Divisional Level Committee constituted under sub-section (3) and the Sub-Divisional Level Committee shall consider and dispose of such petition. Provided that every such petition shall be preferred within sixty days from the date of passing of the resolution by the Gram Sabha:
- Provided further that no such petition shall be disposed of against the aggrieved person, unless he has been given a reasonable opportunity to present his case.

- (3) The State Government shall constitute a Sub-Divisional Level Committee to examine the resolution passed by the Gram Sabha and prepare the record of forest rights and forward it through the Sub-Divisional Officer to the District Level Committee for a final decision.
- (4) Any person aggrieved by the decision of the Sub-Divisional Level Committee may prefer a petition to the District Level Committee within sixty days from the date of decision of the Sub-Divisional Level Committee and the District Level Committee shall consider and dispose of such petition:  
 Provided that no petition shall be preferred directly before the District Level Committee against the resolution of the Gram Sabha unless the same has been preferred before and considered by the Sub-Divisional Level Committee:  
 Provided further that no such petition shall be disposed of against the aggrieved person, unless he has been given a reasonable opportunity to present his case.
- (5) The State Government shall constitute a District Level Committee to consider and finally approve the record of forest rights prepared by the Sub-Divisional Level Committee.
- (6) The decision of the District Level Committee on the record of forest rights shall be final and binding.
- (7) The State Government shall constitute a State Level Monitoring Committee to monitor the process of recognition and vesting of forest rights and to submit to the nodal agency such returns and reports as may be called for by that agency.
- (8) The Sub-Divisional Level Committee, the District Level Committee and the State Level Monitoring Committee shall consist of officers of the departments of Revenue, Forest and Tribal Affairs of the State Government and three members of the Panchayati Raj Institutions at the appropriate level, appointed by the respective Panchayati Raj Institutions, of whom two shall be the Scheduled Tribe members and at least one shall be a woman, as may be prescribed.
- (9) The composition and functions of the Sub-Divisional Level Committee, the District Level Committee and the State Level Monitoring Committee and the procedure to be followed by them in the discharge of their functions shall be such as may be prescribed.

## CHAPTER V OFFENCES AND PENALTIES

7. Where any authority or Committee or officer or member of such authority or Committee contravenes any provision of this Act or any rule made thereunder concerning recognition of forest rights, it or they, shall be deemed to be guilty of an offence under this Act and shall be liable to be proceeded against and punished with fine which may extend to one thousand rupees:

*Officers by members or officers of authorities and Committees under this Act.*

Provided that nothing contained in this sub-section shall render any member of the authority or Committee or head of the department or any person referred to in this section liable to any punishment if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

8. No court shall take cognizance of any offence under section 7 unless any forest dwelling Scheduled Tribe in case of a dispute relating to a resolution of a Gram Sabha or the Gram Sabha through a resolution against any higher authority gives a notice of not less than sixty days to the State Level Monitoring Committee and the State Level Monitoring Committee has not proceeded against such authority.

Cognizance of offences

## CHAPTER VI MISCELLANEOUS

9. Every member of the authorities referred to in Chapter IV and every other officer exercising any of the powers conferred by or under this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

Members of authorities, etc., to be public servants

Protection of action taken in good faith

10. (1) No suit, prosecution or other legal proceeding shall lie against any officer or other employee of the Central Government or the State Government for anything which is in good faith done or intended to be done by or under this Act.
- (2) No suit or other legal proceeding shall lie against the Central Government or the State Government or any of its officers or other employees for any damage caused or likely to be caused by anything which is in good faith done or intended to be done under this Act.
- (3) No suit or other legal proceeding shall lie against any authority as referred to in Chapter IV including its Chairperson, members, member-secretary, officers and other employees for anything which is in good faith done or intended to be done under this Act.

Nodal agency

11. The Ministry of the Central Government dealing with Tribal Affairs or any officer or authority authorised by the Central Government in this behalf shall be the nodal agency for the implementation of the provisions of this Act.

Power of Central Government to issue instructions

12. In the performance of its duties and exercise of its powers by or under this Act, every authority referred to in Chapter IV shall be subject to such general or special directions, as the Central Government may, from time to time, give in writing.

Act not in derogation of any other law

13. Save as otherwise provided in this Act and the Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996, the provisions of this Act shall be in addition to and not in derogation of the provisions of any other law for the time being in force.

Act of 1996

Power to make rules

14. (1) The Central Government may, by notification, and subject to the condition of previous publication, make rules for carrying out the provisions of this Act.
- (2) In particular, and without prejudice to the generality of the foregoing powers, such rules may provide for all any of the following matters, namely:-

- (a) procedural details for implementation of the procedure specified in section 6;
  - (b) the procedure for receiving claims, consolidating and verifying them and preparing a map delineating the area of each recommended claim for exercise of forest rights under sub-section (1) of section 6 and the manner of preferring a petition to the Sub-Divisional Committee under sub-section (2) of that section;
  - (c) the level of officers of the departments of Revenue, Forest and Tribal Affairs of the State Government to be appointed as members of the Sub-Divisional Level Committee, the District Level Committee and the State Level Monitoring Committee under sub-section (8) of section 6;
  - (d) the composition and functions of the Sub-Divisional Level Committee, the District Level Committee and the State Level Monitoring Committee and the procedure to be followed by them in the discharge of their functions under sub-section (9) of section 6;
  - (e) any other matter which is required to be, or may be, prescribed.
- (3) Every rule made to the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

**K.N. CHATURVEDI,**  
*Secy. to the Govt. of India.*

**Scheduled Tribes  
and  
other Traditional Forest Dwellers  
(Recognition of Forest Rights) Rules  
2007**



**(TO BE PUBLISHED IN THE GAZETTE OF INDIA,  
EXTRAORDINARY, PART II, SECTION 3, SUB-SECTION (i)  
OF DATED 1st JANUARY, 2008)**

**GOVERNMENT OF INDIA  
MINISTRY OF TRIBAL AFFAIRS**

New Delhi, the 1st January, 2008

**NOTIFICATION**

G.S.R. \_\_\_\_\_(E).-- WHEREAS the draft Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2007 were published, as required by sub-section (1) of section 14 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (2 of 2007) under the notification of the Government of India in the Ministry of Tribal Affairs number G.S.R.437(E), dated the 19th June, 2007 in the Gazette of India, Part II, Section 3, sub-section (i) of the same date, inviting objections and suggestions from all persons likely to be affected thereby, before the expiry of the period of forty-five days from the date on which the copies of the Gazette containing the said notification are made available to the public;

AND WHEREAS copies of the said Gazette were made available to the public on 25.06.2007;

AND WHEREAS the objections and suggestions received from the public in respect of the said draft rules have been duly considered by the Central Government;

NOW, THEREFORE, in exercise of the powers conferred by sub-sections (1) and (2) of section 14 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (2 of 2007), the Central Government hereby makes the following rules for recognizing and vesting the forest rights and occupation in forest land in forest dwelling Scheduled Tribes and other traditional forest dwellers residing in such forests, namely:-

- 1. Short title, extent and commencement.-** (1) These rules may be called the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2007.  
(2) They shall extend to the whole of India except the State of Jammu and Kashmir.  
(3) They shall come into force on the date of their publication in the Official Gazette.
- 2. Definitions.-** (1) In these rules, unless the context otherwise requires,-
  - (a) "Act" means the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (2 of 2007);
  - (b) "bonafide livelihood needs" means fulfillment of sustenance needs of self and family through production or sale of produce resulting from self-cultivation of forest land as provided under clauses (a), (c) and (d) of sub-section (1) of section 3 of the Act;
  - (c) "claimant" means an individual, group of individuals, family or community making a claim for recognition and vesting of rights listed in the Act;
  - (d) "disposal of minor forest produce" under clause (c) of sub-section (1) of section 3 of the Act shall include local level processing, value addition, transportation in forest area through head-loads, bicycle and handcarts for use of such produce or sale by the gatherer or the community for livelihood; (e) "Forest Rights Committee" means a committee constituted by the Gram Sabha under rule 3;

- (f) "section" means the section of the Act;
- (2) The words and expressions used and not defined in these rules but defined in the Act, shall have the meanings respectively assigned to them in the Act.
- 3. Gram Sabha.-** (1) The Gram Sabhas shall be convened by the Gram Panchayat and in its first meeting it shall elect from amongst its members, a committee of not less than ten but not exceeding fifteen persons as members of the Forest Rights Committee, wherein at least one-third members shall be the Scheduled Tribes:
- Provided that not less than one-third of such members shall be women:
- Provided further that where there are no Scheduled Tribes, at least one third of such members shall be women.
- (2) The Forest Rights Committee shall decide on a chairperson and a secretary and intimate it to the Sub-Divisional Level Committee.
- (3) When a member of the Forest Rights Committee is also a claimant of individual forest right, he shall inform the Committee and shall not participate in the verification proceedings when his claim is considered.
- 4. Functions of the Gram Sabha.-** (1) The Gram Sabha shall -
- (a) initiate the process of determining the nature and extent of forest rights, receive and hear the claims relating thereto;
- (b) prepare a list of claimants of forests rights and maintain a register containing such details of claimants and their claims as the Central Government may by order determine;
- (c) pass a resolution on claims on forest rights after giving reasonable opportunity to interested persons and authorities concerned and forward the same to the Sub-Divisional Level Committee;
- (d) consider resettlement packages under clause (c) of sub section (2) of section 4 of the Act and pass appropriate resolutions; and
- (e) constitute Committees for the protection of wildlife, forest and biodiversity, from amongst its members, in order to carry out the provisions of section 5 of the Act.
- (2) The quorum of the Gram Sabha meeting shall be not less than two thirds of all members of such Gram Sabha:
- Provided that where there is a heterogeneous population of Scheduled Tribes and non Scheduled Tribes in any village, the members of the Scheduled Tribe, primitive tribal groups (PTGs) and pre-agricultural communities shall be adequately represented.
- (3) The Gram Sabha shall be provided with the necessary assistance by the authorities in the State.
- 5. Sub-Divisional Level Committee.-** The State Government shall constitute Sub-Divisional Level Committee with the following members, namely:-
- (a) Sub-Divisional Officer or equivalent officer - Chairperson;
- (b) Forest Officer in charge of a Sub-division or equivalent officer - member;
- (c) three members of the Block or Tehsil level Panchayats to be nominated by the District Panchayat of whom at least two shall be the Scheduled Tribes preferably those who are forest dwellers, or who belong to the primitive tribal groups and where there are no Scheduled Tribes, two members who are preferably other traditional forest dwellers, and one shall be a woman member; or in areas covered under the Sixth Schedule to the Constitution, three members nominated by the Autonomous District Council or Regional Council or other appropriate zonal level, of whom at least one shall be a woman member; and

(d) an officer of the Tribal Welfare Department in-charge of the Sub-division or where such officer is not available the officer in-charge of the tribal affairs.

**6. Functions of the Sub-Divisional Level Committee.-** The Sub-Divisional Level Committee (SDLC) shall -

- (a) provide information to each Gram Sabha about their duties and duties of holder of forest rights and others towards protection of wildlife, forest and biodiversity with reference to critical flora and fauna which need to be conserved and protected ;
- (b) provide forest and revenue maps and electoral rolls to the Gram Sabha or the Forest Rights Committee;
- (c) collate all the resolutions of the concerned Gram Sabhas;
- (d) consolidate maps and details provided by the Gram Sabhas;
- (e) examine the resolutions and the maps of the Gram Sabhas to ascertain the veracity of the claims;
- (f) hear and adjudicate disputes between Gram Sabhas on the nature and extent of any forest rights;
- (g) hear petitions from persons, including State agencies, aggrieved by the resolutions of the Gram Sabhas;
- (h) co-ordinate with other Sub-Divisional Level Committees for inter sub divisional claims ;
- (i) prepare block or tehsil-wise draft record of proposed forest rights after reconciliation of government records;
- (j) forward the claims with the draft record of proposed forest rights through the Sub-Divisional Officer to the District Level Committee for final decision;
- (k) raise awareness among forest dwellers about the objectives and procedures laid down under the Act and in the rules ;
- (l) ensure easy and free availability of proforma of claims to the claimants as provided in Annexure-I (Forms A & B) of these rules;
- (m) ensure that the Gram Sabha meetings are conducted in free, open and fair manner with requisite quorum.

**7. District Level Committee.-** The State Government shall constitute District Level Committee (DLC) with the following members, namely:-

- (a) District Collector or Deputy Commissioner - Chairperson;
- (b) concerned Divisional Forest Officer or concerned Deputy Conservator of Forest - member;
- (c) three members of the district panchayat to be nominated by the district panchayat, of whom at least two shall be the Scheduled Tribes preferably those who are forest dwellers, or who belong to members of the primitive tribal groups, and where there are no Scheduled Tribes, two members who are preferably other traditional forest dwellers, and one shall be a woman member; or in areas covered under the Sixth Schedule to the Constitution, three members nominated by the Autonomous District Council or Regional Council of whom at least one shall be a woman member; and (d) an officer of the Tribal Welfare Department in-charge of the district or where such officer is not available, the officer in charge of the tribal affairs.

**8. Functions of District Level Committee.-** The District Level Committee shall -

- (a) ensure that the requisite information under clause (b) of rule 6 has been provided to Gram Sabha or Forest Rights Committee;
- (b) examine whether all claims, especially those of primitive tribal groups, pastoralists and nomadic tribes, have been addressed keeping in mind the objectives of the Act;

- (c) consider and finally approve the claims and record of forest rights prepared by the Sub-Divisional Level Committee;
- (d) hear petitions from persons aggrieved by the orders of the Sub-Divisional Level Committee;
- (e) co-ordinate with other districts regarding inter-district claims;
- (f) issue directions for incorporation of the forest rights in the relevant government records including record of rights;
- (g) ensure publication of the record of forest rights as may be finalized; and
- (h) ensure that a certified copy of the record of forest rights and title under the Act, as specified in Annexures II & III to these rules, is provided to the concerned claimant and the Gram Sabha respectively ;

**9. State Level Monitoring Committee.** - The State Government shall constitute a State Level Monitoring Committee with the following members, namely:-

- (a) Chief Secretary - Chairperson;
- (b) Secretary, Revenue Department - member;
- (c) Secretary, Tribal or Social Welfare Department - member;
- (d) Secretary, Forest Department - member;
- (e) Secretary, Panchayati Raj - member;
- (f) Principal Chief Conservator of Forests - member;
- (g) three Scheduled Tribes member of the Tribes Advisory Council, to be nominated by the Chairperson of the Tribes Advisory Council and where there is no Tribes Advisory Council, three Scheduled Tribes members to be nominated by the State Government;
- (h) Commissioner, Tribal Welfare or equivalent who shall be the Member- Secretary.

**10. Functions of the State Level Monitoring Committee.**- The State Level Monitoring Committee shall –

- (a) devise criteria and indicators for monitoring the process of recognition and vesting of forest rights;
- (b) monitor the process of recognition, verification and vesting of forest rights in the State;
- (c) furnish a six monthly report on the process of recognition, verification and vesting of forest rights and submit to the nodal agency such returns and reports as may be called for by the nodal agency;
- (d) on receipt of a notice as mentioned in section 8 of the Act, take appropriate actions against the concerned authorities under the Act;
- (e) monitor resettlement under sub-section (2) of section 4 of the Act.

**11. Procedure for filing, determination and verification of claims by the Gram Sabha.**- (1) The Gram Sabhas shall -

- (a) call for claims and authorize the Forest Rights Committee to accept the claims in the Form as provided in Annexure-I of these rules and such claims shall be made within a period of three months from the date of such calling of claims along with at least two of the evidences mentioned in rule 13, shall be made within a period of three months;

Provided that the Gram Sabha may, if consider necessary, extend such period of three months after recording the reasons thereof in writing.

- (b) fix a date for initiating the process of determination of its community forest resource and intimate the same to the adjoining Gram Sabhas where there are substantial overlaps, and the Sub-Divisional Level Committee.

- (2) The Forest Rights Committee shall assist the Gram Sabha in its functions to -
- (i) receive, acknowledge and retain the claims in the specified form and evidence in support of such claims;
  - (ii) prepare the record of claims and evidence including maps;
  - (iii) prepare a list of claimants on forest rights;
  - (iv) verify claims as provided in these rules;
  - (v) present their findings on the nature and extent of the claim before the Gram Sabha for its consideration.
- (3) Every claim received shall be duly acknowledged in writing by the Forest Rights Committee.
- (4) The Forest Rights Committee shall also prepare the claims on behalf of Gram Sabha for community forest rights in Form B as provided in Annexure I of these Rules.
- (5) The Gram Sabha shall on receipt of the findings under clause (v) of sub-rule
- (2), meet with prior notice, to consider the findings of the Forest Rights Committee, pass appropriate resolutions, and shall forward the same to the Sub-Divisional Level Committee.
- (6) The Secretary of Gram Panchayat will also act as Secretary to the Gram Sabhas in discharge of its functions.

**12. Process of verifying claims by Forest Rights Committee.-** (1) The Forest Rights Committee shall, after due intimation to the concerned claimant and the Forest Department -

- (a) visit the site and physically verify the nature and extent of the claim and evidence on the site;
  - (b) receive any further evidence or record from the claimant and witnesses;
  - (c) ensure that the claim from pastoralists and nomadic tribes for determination of their rights, which may either be through individual members, the community or traditional community institution, are verified at a time when such individuals, communities or their representatives are present;
  - (d) ensure that the claim from member of a primitive tribal group or preagricultural community for determination of their rights to habitat, which may either be through their community or traditional community institution, are verified when such communities or their representatives are present; and
  - (e) prepare a map delineating the area of each claim indicating recognizable landmarks.
- (2) The Forest Rights Committee shall then record its findings on the claim and present the same to the Gram Sabha for its consideration.
- (3) If there are conflicting claims in respect of the traditional or customary boundaries of another village or if a forest area is used by more than one Gram Sabha, the Forest Rights Committees of the respective Gram Sabhas shall meet jointly to consider the nature of enjoyment of such claims and submit the findings to the respective Gram Sabhas in writing:
- Provided that if the Gram Sabhas are not able to resolve the conflicting claims, it shall be referred by the Gram Sabha to the Sub-Divisional Level Committee for its resolution.
- (4) On a written request of the Gram Sabha or the Forest Rights Committee for information, records or documents, the concerned authorities shall provide an authenticated copy of the same to the Gram Sabha or Forest Rights Committee, as the case may be, and facilitate its clarification, if required, through an authorized officer .

**13. Evidence for determination of forest rights.-** (1) The evidence for recognition and vesting of forest rights shall, inter alia, include -

- (a) public documents, Government records such as Gazetteers, Census, survey and settlement reports, maps, satellite imagery, working plans, management plans, micro-plans, forest enquiry

- reports, other forest records, record of rights by whatever name called, pattas or leases, reports of committees and commissions constituted by the Government, Government orders, notifications, circulars, resolutions;
- (b) Government authorised documents such as voter identity card, ration card, passport, house tax receipts, domicile certificates;
  - (c) physical attributes such as house, huts and permanent improvements made to land including levelling, bunds, check dams and the like;
  - (d) quasi-judicial and judicial records including court orders and judgments;
  - (e) research studies, documentation of customs and traditions that illustrate the enjoyment of any forest rights and having the force of customary law, by reputed institutions, such as Anthropological Survey of India;
  - (f) any record including maps, record of rights, privileges, concessions, favours, from erstwhile princely States or provinces or other such intermediaries;
  - (g) traditional structures establishing antiquity such as wells, burial grounds, sacred places;
  - (h) genealogy tracing ancestry to individuals mentioned in earlier land records or recognized as having been legitimate resident of the village at an earlier period of time;
  - (i) statement of elders other than claimants, reduced in writing.
- (2) An evidence for Community Forest Rights shall, inter alia, include –
- (a) community rights such as nistar by whatever name called;
  - (b) traditional grazing grounds; areas for collection of roots and tubers, fodder, wild edible fruits and other minor forest produce; fishing grounds; irrigation systems; sources of water for human or livestock use, medicinal plant collection territories of herbal practitioners;
  - (c) remnants of structures built by the local community, sacred trees, groves and ponds or riverine areas, burial or cremation grounds;
- (3) The Gram Sabha, the Sub-Divisional Level Committee and the District Level Committee shall consider more than one of the above-mentioned evidences in determining the forest rights.
- 14. Petitions to Sub-Divisional Level Committee.-** (1) Any person aggrieved by the resolution of the Gram Sabha may within a period of sixty days from the date of the resolution file a petition to the Sub-Divisional Level Committee .
- (2) The Sub-Divisional Level Committee shall fix a date for the hearing and intimate the petitioner and the concerned Gram Sabha in writing as well as through a notice at a convenient public place in the village of the petitioner at least fifteen days prior to the date fixed for the hearing.
  - (3) The Sub-Divisional Level Committee may either allow or reject or refer the petition to concerned Gram Sabha for its reconsideration.
  - (4) After receipt of such reference, the Gram Sabha shall meet within a period of thirty days, hear the petitioner, pass a resolution on that reference and forward the same to the Sub-Divisional Level Committee.
  - (5) The Sub-Divisional Level Committee shall consider the resolution of the Gram Sabha and pass appropriate orders, either accepting or rejecting the petition.
  - (6) Without prejudice to the pending petitions, Sub-Divisional Level Committee shall examine and collate the records of forest rights of the other claimants and submit the same through the concerned Sub-Divisional Officer to the District Level Committee.
  - (7) In case of a dispute between two or more Gram Sabhas and on an application of any of the Gram Sabhas or the Sub-Divisional Level Committee on its own, shall call for a joint meeting of the concerned Gram Sabhas with a view to resolving the dispute and if no mutually agreed

solution can be reached within a period of thirty days, the Sub-Divisional Level Committee shall decide the dispute after hearing the concerned Gram Sabhas and pass appropriate orders.

- 15. Petitions to District Level Committee.-** (1) Any person aggrieved by the decision of the Sub-Divisional Level Committee may within a period of sixty days from the date of the decision of the Sub-Divisional Level Committee file a petition to the District Level Committee.
- (2) The District Level Committee shall fix a date for the hearing and intimate the petitioner and the concerned Sub-Divisional Level Committee in writing as well as through a notice at a convenient public place in the village of the petitioner at least fifteen days prior to the date fixed for the hearing.
  - (3) The District Level Committee may either allow or reject or refer the petition to concerned Sub-Divisional Level Committee for its reconsideration.
  - (4) After receipt of such reference, the Sub-Divisional Level Committee shall hear the petitioner and the Gram Sabha and take a decision on that reference and intimate the same to the District Level Committee.
  - (5) The District Level Committee shall then consider the petition and pass appropriate orders, either accepting or rejecting the petition.
  - (6) The District Level Committee shall send the record of forest rights of the claimant or claimants to the District Collector or District Commissioner for necessary correction in the records of the Government.
  - (7) In case there is a discrepancy between orders of two or more Sub-Divisional Level Committees, the District Level Committee on its own, shall call for a joint meeting of the concerned Sub-Divisional Level Committees with a view to reconcile the differences and if no mutually agreed solution can be reached, the District Level Committee shall adjudicate the dispute after hearing the concerned Sub-Divisional Level Committees and pass appropriate orders.

**Dr. Bachittar Singh, Joint Secretary**  
[ F. No.17014/ 02/ 2007-PC&V (Vol.VII) ]

The Scheduled Tribes and Other Traditional Forest Dwellers  
(Recognition of Forest Rights) Rules, 2007  
Government of India

Ministry of Tribal Affairs

**ANNEXURE - I**

**[See rule 6(l)]**

**FORM - A**

**CLAIM FORM FOR RIGHTS TO FOREST LAND**

**[See rule 11(1)(a)]**

1. Name of the claimant (s):
2. Name of the spouse
3. Name of father/ mother
4. Address:
5. Village:
6. Gram Panchayat:
7. Tehsil/ Taluka:
8. District:
9. (a) Scheduled Tribe : Yes/ No  
(Attach authenticated copy of Certificate)  
(b) Other Traditional Forest Dweller: Yes/ No  
If a spouse is a Scheduled Tribe (attach authenticated copy of certificate)
10. Name of other members in the family with age:  
(including children and adult dependents)  
Nature of claim on land:
  1. Extent of forest land occupied
    - a) for habitation
    - b) for self-cultivation, if any:  
(See Section 3(1)(a) of the Act)
  2. disputed lands if any:  
(See Section 3(1)(f) of the Act)
  3. Pattas/ leases/ grants, if any:  
(See Section 3(1)(g) of the Act)
  4. Land for in situ rehabilitation or alternative land, if any:  
(See Section 3(1)(m) of the Act)
  5. Land from where displaced without land compensation:  
(See Section 4(8) of the Act)
  6. Extent of land in forest villages, if any:  
(See Section 3(1)(h) of the Act)
  7. Any other traditional right, if any:  
(See Section 3(1)(l) of the Act)
  8. Evidence in support:  
(See Rule 13)
  9. Any other information:

Signature/ Thumb Impression  
of the Claimant(s):



The Scheduled Tribes and Other Traditional Forest Dwellers  
(Recognition of Forest Rights) Rules, 2007  
Government of India  
Ministry of Tribal Affairs

**FORM – B**  
**CLAIM FORM FOR COMMUNITY RIGHTS**  
**[See rule 11(1)(a) and (4)]**

1. Name of the claimant(s):
  - a. FDST community: Yes/ No
  - b. OTFD community: Yes/ No
2. Village:
3. Gram Panchayat:
4. Tehsil/ Taluka:
5. District:  
Nature of community rights enjoyed:
  1. Community rights such as nistar, if any:  
(See Section 3(1)(b) of the Act)
  2. Rights over minor forest produce, if any:  
(See Section 3(1)(c) of the Act)
  3. Community rights
    - a. uses or entitlements (fish, water bodies), if any:
    - b. Grazing, if any
    - c. Traditional resource access for nomadic and pastoralist, if any:  
(See Section 3(1)(g) of the Act)
  4. Community tenures of habitat and habitation for PTGs and pre-agricultural communities, if any:  
(See Section 3(1)(e) of the Act)
  5. Right to access biodiversity, intellectual property and traditional knowledge, if any:  
(See Section 3 (1)(k) of the Act)
  6. Other traditional right, if any:  
(See Section 3(1)(l) of the Act)
  7. Evidence in support:  
(See Rule 13)
  8. Any other information:

Signature/ Thumb Impression of the Claimant (s):

The Scheduled Tribes and Other Traditional Forest Dwellers  
(Recognition of Forest Rights) Rules, 2007  
Government of India  
Ministry of Tribal Affairs

**ANNEXURE – II**  
**[See rule 8(h)]**  
**TITLE FOR FOREST LAND UNDER OCCUPATION**

1. Name(s) of holder (s) of forest rights (including spouse):
2. Name of the father/ mother:
3. Name of dependents:
4. Address:
5. Village/gram sabha:
6. Gram Panchayat:
7. Tehsil/ Taluka:
8. District:
9. Whether Scheduled Tribe or Other Traditional Forest Dweller
10. Area:
11. Description of boundaries by prominent landmarks including khasra/ compartment No:

This title is heritable, but not alienable or transferable under sub section (4) of section 4 of the Act.

We, the undersigned, hereby, for and on behalf of the Government of (Name of the State).....affix our signatures to confirm the above forest right.

**Divisional Forest Officer/ Deputy  
Conservator of Forests**

**District Tribal Welfare Officer  
District Collector/ Deputy Commissioner**

The Scheduled Tribes and Other Traditional Forest Dwellers  
(Recognition of Forest Rights) Rules, 2007  
Government of India  
Ministry of Tribal Affairs

**ANNEXURE – III**  
**[See rule 8(h)]**  
**TITLE TO COMMUNITY FOREST RIGHTS**

1. Name(s) of the holder (s) of community forest right:
2. Village/ Gram Sabha:
3. Gram Panchayat:
4. Tehsil/ Taluka:
5. District:
6. Scheduled Tribe/ Other Traditional Forest Dweller:
7. Nature of community rights:
8. Conditions if any:
9. Description of boundaries including customary boundary and/or by prominent landmarks including khasra/ compartment No:

Name(s) of the holder (s) of community forest right:

- 1.....
- 2.....
- 3.....

We, the undersigned, hereby, for and on behalf of the Government of (Name of the State).....affix our signatures to confirm the forest right as mentioned in the Title to the above mentioned holders of community forest rights.

**Divisional Forest Officer/ Deputy  
Conservator of Forests**

**District Tribal Welfare Officer**

**District Collector/ Deputy Commissioner**

Signature/ Thumb Impression  
of the Claimant (s):

**PRIME MINISTER,**

**New Delhi,**

**8 January, 2008**

Dear Sri Patnaik Ji,

As you are aware, the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 has now been notified along with the Rules. This is a landmark legislation in independent India that seeks to provide rights over land in their occupation to forest-dwelling scheduled tribes and other traditional forest dwellers who have been residing there for generations but whose rights could not be recorded.

You may appreciate that it is necessary to ensure proper implementation of this Act expeditiously, in keeping with the Rules provided under it. The responsibility for implementation vests with the State Governments which are required to constitute Committees under the Act that would process the cases and ensure distribution of land rights. Therefore the **State Level Monitoring Committees, District Level Committees and below district level Committees should be constituted at the earliest** so that the work can commence. The Rules provide for the composition of these Committees and their respective functions.

There should be effective communication at multiple forums to ensure that the provisions of this Act and Rules are well known and such public information contributes to transparency and accountability in implementation. Ministry of Panchayati Raj would be writing separately to you to organize Gram Sabhas across the country on an appointed day to ensure that the provisions of this Act are made widely known to Members of the Gram Sabha and Panchayats who will play a critical role in its implementation.

Needless to stress, while implementing the Act, it should be ensured that adequate protection is provided to critical wildlife habitats as provided for in Section 4 of the Act.

I look forward to your leadership and cooperation in the speedy and effective implementation of this significant legislation.

With warm regards,

Yours sincerely,

Sd/-  
(Manmohan Singh)

**Shri Naveen Patnaik,**  
**Chief Minister of Orissa**  
**Bhubaneswar.**

**Most Immediate**

**Gautam Buddha Mukherji  
Secretary to the Government of India  
Ministry of Tribal Affairs  
Shastri Bhawan, New Delhi - 110001**

**D.O.No.17014/2/2007 –PC & V (Vol.VI)**

11<sup>th</sup> January, 2008.

Dear

1. Kindly refer to my D.O. letter of even number dated 27<sup>th</sup> September, 2007, nominating the Secretary in charge of the Tribal Welfare Department in your State to be the nodal agency under Section -11 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006 for implementation of the provisions of the Act and also to be the representative of this Ministry to act as a member of the State Level Committee to be constituted for identification/ declaration of Critical Wildlife Habitats as per the provisions of the Act.
2. The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006 has been notified for operation with effect from 31<sup>st</sup> December, 2007 and the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules 2007 for implementing the provisions of the Act have also been notified on 1<sup>st</sup> January, 2008. I am enclosing copies of both the notifications dated 31<sup>st</sup> December, 2007 and 1<sup>st</sup> January, 2008 for your information.
3. As mentioned in my letter dated 27<sup>th</sup> September, 2007, the Act envisages determination and vesting of a number of forest rights, individual as well as community rights, in the forest dwelling Scheduled Tribes and other traditional forest dwellers. The Whole process for determination of forest rights would start at the level of Gram Sabha, which will be scrutinized at Sub-Divisional Level Committee, after which the District Level Committee will approve/ award forest rights. The rules notified on 1<sup>st</sup> January, 2008 envisage the constitution of various Committees under the Act viz. the Sub-Divisional Level Committee, District Level Committee and the State Level Monitoring Committee, by the State Governments.
4. I would, therefore request you to kindly constitute these Committees in your State immediately, and also initiate necessary action for recognition and vesting of the forest rights in the forest

dwelling Scheduled Tribes and other traditional forest dwellers under the Act as per a time bound Schedule.

5. You would no doubt appreciate that it would be necessary to create awareness about the objectives, provisions and procedures of the Act and the Rules amongst the forest dwelling Scheduled Tribes and other traditional forest dwellers and the concerned authorities under the Act through various measures to achieve the purpose for which the Act has been enacted. The nodal agency nominated in your State for implementing the provisions of the Act may, therefore, be directed to take necessary steps immediately to:
  - a) ensure that awareness is created about the objectives, provisions and procedures of the Act and the rules through various measures including awareness programmes and printed material such as posters in the regional language;
  - b) ensure the translation and publication of the Act and the rules in all the regional languages and arrange to distribute to all Gram Sabhas, Forest Rights Committees and also departments of the Government including Panchayati Raj, Rural Development, Tribal and Social Welfare and Forest Departments;
  - c) undertake the orientation of officials, civilian representatives and Non-Government Organizations in the State, who can then be called upon to assist as resource persons in the awareness programmes;
  - d) sensitize the District Level Committee on the objectives, provisions and procedures of the Act and the rules.
6. The District Level Committees in your State may also be advised to undertake awareness campaigns on the objectives, provisions and procedures of the Act and the rules through traditional and other means and ensure that the Act and the rules are printed in regional languages and distributed in the offices and prominent places at the village, block and Sub-divisional level and special efforts are taken in particular to ensure that the information reaches the settlements located in remote areas. These Committees may also raise awareness through workshops and other means to sensitize members of the Sub-Divisional Level Committee, officials of Panchayat Raj, Rural Development, Agriculture, Education, Forest, Tribal and Social Welfare Departments, on the objectives, provisions and procedures of the Act and the Rules.

7. Likewise, the Sub-Divisional Level Committee may be advised to organize for each tehsil or block in the sub-division, one or more awareness camps to sensitize members of the Gram Sabhas including Forest Rights committees, civilian representatives including teachers, women's groups, political leaders, social workers activist and lawyers to acquaint them with the objectives, provisions and procedures of the Act and the Rules.
8. We will appreciate if you apprise us of your preparedness and the operational schedule.

Yours sincerely,  
Sd/-  
(G.B. Mukherji)

Shri Ajit Ku. Tripathy,  
Chief Secretary,  
Government of Orissa,  
Bhubaneswar.

Copy, along with copies of the notifications dated 31<sup>st</sup> December, 2007 and 1<sup>st</sup> January, 2008, referred to above, forwarded for information to Shri Tara Dutt, Secretary, SCs and STs Welfare Department, Government of Orissa, Bhubaneswar.

Sd/-  
(Dr. Bachittar Singh)  
Joint Secretary

**GOVERNMENT OF INDIA  
MINISTRY OF PANCHAYATI RAJ  
KRISHI BHAWAN, NEW DELHI - 110001**

**D.O.NO. N-11016/7/2008-RBH,**

**Date: February 15, 2008**

Dear Chief Secretary/Administrator,

I would like to invite your attention to the letter from Hon'ble Prime Minister dated January 8, 2008 addressed to the Chief Minister of your State highlighting the need for expeditiously implementing the Scheduled Tribes and Other Forest Dwellers (Recognition of Forest Rights) Act and Rules. Please also refer to the communications in this regard from the Ministry of Tribal Affairs (MoTA). I hope the process of constituting State Level Monitoring Committee and Committees at District and Sub-Divisional Levels has been completed by now.

Clause 6(1) of the Act authorizes the Gram Sabhas to initiate the process for determining the nature and extent of Individual/Community Forest Rights. In this regard Gram Panchayats have to convene the meeting of Gram Sabhas wherein the members of the Forest Rights Committee (FRC) shall be elected. The FRC is required to collect claim filed in the prescribed formats and give acknowledgement to the claimants, keep proper records of the claimants, verify the claims and present their findings to the Gram Sabhas. The Gram Sabhas are required to pass their resolutions on each individual claim and submit the same to the Sub-Divisional Level Committee for further processing. The FRCs are accountable to the Sub-Divisional Level Committee that also has to ensure that the Gram Sabhas are made aware of their roles and responsibilities, the proforma for fill claims are easily available to the claimants and the Gram Sabha meetings are conducted in free, open and fair manner with requisite quorum etc.

To properly perform their responsibilities within the time frame provided by the Rules, the Gram Panchayats and Gram Sabhas must understand the entire process and specifically their assigned roles and responsibilities. The Hon'ble Prime Minister has proposed that the Gram Sabhas in the country should meet on a single day for this purpose. The Ministry suggests that all States may organize Gram Sabhas on the February 28, 2008 during which the provisions of the Act & Rules and the roles and responsibilities of PRIs, Gram Sabhas and FRCs are explained.

Please take action as suggested above and complete arrangements for holding the Gram Sabhas on February 28, 2008. The nodal Secretary for implementing the Act in the State may be directed to confirm the action taken in this regard, when he/ she attends the Review meeting convened by Ministry of Tribal Affairs on February 18-19, 2008.

With best regards,

Yours sincerely,

Sd/-  
(Sushma Singh)

To

Chief Secretaries of all States/Administrators UTs.

Copy to: (I) Secretaries of PR/Tribal Affairs of all State Governments.



**No.17014/02/2007-PC & V (VOL.VI) (Pt.)  
Government of India  
Ministry of Tribal Affairs**

**Shastri Bhawan, New Delhi-110015  
February 20, 2008**

To

The Principal Secretary  
Department of STs & SCs Welfare  
Government of Madhya Pradesh  
Mantralaya, Vallabh Bhawan  
Bhopal -462 004

[Atten: Shri O.P. Rawat]

**Sub: Clarification on provisions in Section 3(1)(c) of Forest Rights Act vis-à-vis Section 4(m)(ii) of PESA Act.**

Sir,

I am directed to refer to your D.O. letter No.F.9-1/2007/5/25 dated 8.1.2008 regarding certain points raised by you in the context of implementation of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 and to clarify the position regarding conflict between Section 3(1) (c) of the Forest Rights Act, 2006 and Section 4 (m)(ii) of PESA Act, 1996 as follows:

The Forest Rights Act seeks to vest traditional rights. PESA begins by emphasizing that customary and traditional practices must override (Section 4 (a), Section 4(d) of the PESA Act entrusts the Gram Sabhas to safeguard and preserve the traditions and customs. The Forest Rights Act only emphasizes/ addresses these concepts, and is, therefore, not in violation of the subsequent ownership concept under section 4(m)(ii) of the PESA Act, 1996.

2. The above clarification issues in consultation with the Ministry of Panchayati Raj.

Yours faithfully,

Sd/-  
(A.K. Srivastava)  
Director

Copy to Ministry of Panchayati Raj (Shri B.K. Sinha, Addl. Secretary), Sardar Patel Bhawan,  
Parliament Street, New Delhi.

Copy for information to:  
All Secretaries of Tribal Development / Welfare Department of other States / UTs.

Sd/-  
(A.K. Srivastava)  
Director

**GOVERNMENT OF INDIA  
MINISTRY OF TRIBAL AFFAIRS  
SHASTRI BHAWAN, NEW DELHI – 110115**

**D.O. NO. 17014/8/2007-PC & V**

Dated: 13.5.08

Kindly find enclosed a copy of a letter dated 2.3.2008 from Shri Chandra Sekhar Sahu, Minister of State for Rural Development, Government of India, New Delhi, enclosing a request received from Orissa Adivasi Manch, Berhampur, Orissa, seeking more time for convening the meeting of the Palli Sabha for formation of Forest Rights Committee for implementation of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.

2. In their letter, the Orissa Adivasi Manch has alleged that the Government of Orissa, ignoring the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2008, instructed to its district authorities to complete the formation of Forest Rights Committee at a meeting to be convened on 16<sup>th</sup> and 23<sup>rd</sup> March, 2008 at Palli Sabha without any reference to the local Gram Panchayats and its Sarpanchs and elected members, which seems to be unconstitutional and also goes against the spirit of the newly enacted Forest Rights Act. The Manch has further stated that there are 2600 scheduled panchayats covering 143 blocks of 15 districts of Orissa and it is practically impossible to complete the process of Forest Rights Committees.

3. We shall be grateful if the comments of the State Government on the issues raised by the Orissa Adivasi Manch are furnished to this Ministry urgently for sending a reply to the Hon'ble Minister of State for Rural Development.

With regards

Yours Sincerely,  
Sd/-  
(Dr. Bachittar Singh)

**Dr. Tara Dutt  
Commissioner-cum-Secretary,  
SC & ST Welfare Department,  
Government of Orissa,  
BHUBANESWAR.**

**MOST IMMEDIATE**  
**REMINDER - I**

**No. 4 - 1 / 2007 - FP**  
**Government of India**  
**Ministry of Environment & Forests**  
**(F.P. Division)**

**Paryavaran Bhawan,**  
**CGO Complex, Lodhi Road,**  
**New Delhi - 110003.**

**Dated: 13<sup>th</sup> May, 2008.**

To

The Chief Secretary,

All State / UT Governments.

**Sub.: Disposal of petty forest offence cases by tribals and other deprived sections of society.**

I am directed to refer to this Ministry's letter of even number dated 17/20.2.2008 on the above mentioned and to say that action taken report in the matter has not been received so far. It is, therefore, once again requested that the same may please be expedited urgently.

Yours faithfully

Sd/-

(S.P. Yadav)

Asst. Inspector General of Forest (FP)

Tele Fax No. 011 - 24360627

**Government of India,  
Ministry of Tribal Affairs**

**Shastri Bhawan, New Delhi**  
Dated June 09.2008

To

All State Secretaries in-charge of Tribal Welfare

[All States/UTs, except J&K]

**Sub.: Implications of the phrase “primarily reside in and who depend on the forests or forest lands for bona fide livelihood needs” appearing in sections 2 (c) and 2(o) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.**

Sir,

1. As you are aware, Section 2(c) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 defines the expression ‘forest dwelling Scheduled Tribes’ to mean the members or community of Scheduled Tribes who primarily reside in and who depend on the forests or forest lands for bona fide livelihood needs and includes the Scheduled Tribe pastoralist communities. Similarly, Section 2(o) of the Act defines the expression “other traditional forest dweller” to mean any member or community who has for at least three generations prior to the 13<sup>th</sup> day of December, 2005 primarily resided in and who depend on the forest or the forests land for bona fide livelihood needs.
2. This Ministry has received references from certain States seeking clarification about the implications of the phrase “primarily reside in and who depend on the forests or forest lands for bona fide livelihood needs” appearing in sections 2(c) and 2(o) of the Act as to whether this would cover the Scheduled Tribes and Other Traditional Forest Dwellers who are not necessarily living inside the forests but are depending on the forests or forest lands for their bona fide livelihood needs. This issue was also raised in the meetings of the Secretaries of Tribal Welfare / Development Department of the States on the implementation of the Act held on 18<sup>th</sup>-19<sup>th</sup> February, 2008 and 16<sup>th</sup> May 2008 in New Delhi.
3. The matter has been examined in consultation with the Ministry of Law & Justice and it is clarified that the implication of using the word ‘primarily’ is to include the Scheduled Tribes

and Other Traditional Forest Dwellers who have either habitation, or patches of land for self-cultivation for livelihood, and would, therefore, be primarily spending most of their time either in temporary make shift structures or working on patches of land in such areas irrespective of whether their dwelling houses are outside the forest or forest land. Therefore, such Scheduled Tribes and Other Traditional Forest Dwellers who are not necessarily residing inside the forest but are depending on the forest for their bona fide livelihood needs would be covered under the definition of 'forest dwelling Scheduled Tribes' and 'Other Traditional Forest Dweller' as given in Sections 2(c) and 2(o) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act. 2006.

4. This may be noted and communicated to all concerned with implementation of the Act.

Yours faithfully,

Sd/-

[Sunil Garg]

**Under Secretary to the Govt. of India**

Copy to:

1. Ministry of Environment & Forests (Ms. Meena Gupta, Secretary), Paryavran Bhawan, CGO, Complex, Lodhi Road, New Delhi-110 003 for information.
2. Prime Minister's Office (Ms. Kalpana Awasthi, Director) South Block, New Delhi for information.

Sd/-

[Sunil Garg]

**Under Secretary to the Govt. of India**

**File No. 9-5/2006-NTCA (Part)**  
**GOVERNMENT OF INDIA**  
**NATIONAL TIGER CONSERVATION AUTHORITY**

Annex No. 5, Bikanor House,  
Shajahan Road, New Delhi  
Date 8<sup>th</sup> September, 2008

The Chief Wildlife Warden (s),  
All Tiger Range States

Sub: Identification/ notification of core/critical tiger habitats and relocation of people from such areas, and Identification / notification of buffer or peripheral areas under section 38V of the Wildlife (protection) Act, 1972.

Ref.:

1. This Ministry letter No. 1501/11/2007-PT (Part) dt. 16.11.2007
2. This Ministry's letter No. 1501/11/2007-PT (Part) dt. 3.12.2007
3. This Ministry's letter No. PS-MS (NTLA)/2007... dt. 31.1.2008
4. This Ministry's letter (s) No. 3-1/2003-PT dt. 27.2.2008, 26.2.2008, 25.2.2008, 27.2.2008 and 19.032008.

Sir,

The process of relocation of people living in the core/critical tiger habitats of tiger reserves has been elaborately dealt with under section 38V of the Wildlife (Protection) Act, 1972. Detailed guidelines in this regard, inter alia, have already been issued vide reference(s) cited above.

As you are aware, the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 has come into force with effect from 31.12.2007, and the rules framed under the said Act are in force with effect from 1.1.2008. Hence, the relocation of villages from core/critical tiger may be carried out keeping in view the overall interest of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.

Further, identification of core/critical tiger habitats in new tiger reserves after the coming into force of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 would involve action as contained in section 38V of the Wildlife (Protection) Act, 1972 read with the provisions contained in the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.

It is also requested that the buffer or peripheral areas of tiger reserves may also be identified/delineated as per 38V of the Wildlife (Protection) Act, 1972 as suggested, vide reference 1<sup>st</sup> and 3<sup>rd</sup> cited, at an early date under intimation to this Ministry.

Yours Faithfully

Sd/-

(Dr. Ranjit Gopal)

IGF & Member Secretary, (NTCA)

Copy to:

1. The Principal Secretary (Forests), All Tiger Range States.
2. The Principal Chief Conservator of Forces, All Tiger Ranges States.
3. The Field Directors, All Tiger Reserves.

**Government of India  
Minister of Tribal Affairs,  
Shastri Bhawan, New Delhi - 110115**

**D.O.No.23011/ 6 / 2008 – FRA**

**Dated the 29<sup>th</sup> October, 2008**

Dear Sir,

Kindly refer to my D.O. letter of even number dated 21.9.2008 seeking comments of the State Government on the issues raised in the letter No. IS/GEN/141 dated 11.9.2008 received by this Ministry from Shri Sanjoy Patnaik, Director, NRM Programme, Regional Centre for Development Corporation, Bhubaneswar alleging faulty processes being employed in verification of claims under the Forest Rights Act in Gajapati District, Orissa.

2. I shall be grateful if the comments of the State Government are furnished to this Ministry **urgently**.

Yours faithfully.

Sd/-  
(Dr. Bachittar Singh)

Shri Ajit Kumar Tripathy,  
Chief Secretary to the Govt. of Orissa,  
Bhubaneswar

Copy to :

Dr. Tara Datt, Commissioner-cum-Secretary SC/ST Welfare Department, Government of Orissa, Bhubaneswar for information and furnishing the comments immediately.

Sd/-  
(Dr. Bachittar Singh)  
Joint Secretary

**F.No:7-1/2008-FP  
Government of India  
Ministry of Environment & Forests  
FP-Division**

**Paryavaran Bhawan,  
CGO Complex, Lodhi Road,  
New Delhi -110003**

**Dated: 18.11.2008**

To

**The Secretary (Forests)  
All States/ UT Governments**

**Sub: Monitoring formats for Implementation of the Scheduled Tribes and Other  
Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.**

Sir,

Kindly refer to this Ministry letter of even no. dated 08.10.2008. The monitoring formats have been put on the Ministry website i.e. <http://envfor.nic.in> in the slot of Forest Policy Division.

The return can be submitted through e-mail also i.e. [aig\\_rtdiv@yahoo.com](mailto:aig_rtdiv@yahoo.com). Please ensure to send the first quarterly report immediately.

Yours faithfully,

  
(Rajan Sehgal)

**Sr. Assistant Inspector General of Forests  
Tele Fax No.011-24363970**

Copy to:-

- Principal Chief Conservator of Forests of All States/ UT Governments.  
2 Chief Wildlife Wardens of All States/ UT Governments.**



THE SCHEDULED TRIBES & OTHER TRADITIONAL DWELLERS (RECOGNITION OF FOREST RIGHTS) ACT, 2006  
IMPLEMENTATION SHEET - FC ACT PERMISSIONS

Sl.No	Name of the State/UTs	Resolution passed by GS for requirement of forest land for infrastructural facilities under Section 3 (2) of Rights Act			Permissions given by DFO under Section 3(2) of Rights Act, for infrastructural facilities			Conversion of Forest villages into Revenue villages		
		No. of villages/FRCs	No of cases	Area required	No. of villages/FRCs	No of cases	Area diverted (ha.)	No of forest settlements	No of resolution passed	No of settlements converted into revenue villages after necessary permissions
1	Andhra Pradesh									
2	Arunachal Pradesh									
3	Assam									
4	Bihar									
5	Chattisgarh									
6	Goa									
7	Gujarat									
8	Haryana									
9	Himachal Pradesh									
10	Jharkhand									
11	Jammu & Kashmir									
12	Karnataka									
13	Kerala									
14	Madhya Pradesh									
15	Maharashtra									
16	Manipur									
17	Meghalaya									
18	Mizoram									
19	Nagaland									
20	Orissa									
21	Punjab									
22	Rajasthan									
23	Sikkim									
24	Tamil Nadu									
25	Tripura									
26	Uttar Pradesh									
27	Uttaranchal									
28	West Bengal									
29	Andaman & Nicobar Islands									
30	Dadar & Nagar Haveli									
31	Chandigarh									
32	NCT of Delhi									
33	Lakshadweep									
34	Daman & Diu.									

TO BE SUBMITTED BY PCCF OF STATE/ UT

THE SCHEDULED TRIBES AND OTHER TRADITIONAL FOREST DWELLERS (RECOGNITION OF FOREST RIGHTS) ACT, 2006												
IMPLEMENTATION SHEET - CRITICAL WILDLIFE HABITATS												
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)
Sl.No	Name of the State/UTs	Constitution of State Level Committees	1st Consultation for each Protected Area	2nd Consultation for each Protected Area	3rd Consultation with each Protected Area	Final recommendation of State Level Committee	If decided for relocation, identification of alternative sites for relocation	Number of villages to be relocated	Recognition of Rights completed or not	Final recommendation forwarded to Central level Committee	Issue of Notification by MoEF	Remarks
(wherever required if area large)												
1	Andhra Pradesh											
2	Arunachal Pradesh											
3	Assam											
4	Bihar											
5	Chhattisgarh											
6	Goa											
7	Gujarat											
8	Haryana											
9	Jharkhand											
10	Jammu & Kashmir											
11	Karnataka											
12	Kerala											
13	Madhya Pradesh											
14	Maharashtra											
15	Manipur											

17	Meghalaya											
18	Mizoram											
19	Nagaland											
20	Orissa											
21	Punjab											
22	Rajasthan											
23	Sikkim											
24	Tamil Nadu											
25	Tripura											
26	Uttar Pradesh											
27	Uttaranchal											
28	West Bengal											
29	Andaman & Nicobar Islands											
30	Dadar & Nagar Haveli											
31	Chandigarh											
32	NCT of Delhi											
33	Lakshadweep											
34	Daman & Diu											

Indicates State level Committees constituted  
 The Ministry has nominated central officers to oversee the implementation of the Act.

THE SCHEDULED TRIBES AND OTHER TRADITIONAL FOREST DWELLERS (RECOGNITION OF FOREST RIGHTS) ACT, 2006  
IMPLEMENTATION SHEET - CRITICAL WILDLIFE HABITATS

Name of States/UTs:

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)
Sl.No	Name of Protected Area	Constitution of State Level Committee	1st Consultation for each Protected Area	2nd Consultation for each Protected Area	3rd Consultation with each Protected Area	Final recommendation of State Level Committee	If decided for relocation, identification of alternate site(s) for relocation	Number of villages to be relocated	Recognition of Rights completed or not	Final recommendation forwarded to Central level Committee	Issue of Notification by M&EF	Remarks
				(wherever required if area large)								
1												
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**Guidelines to notify critical wildlife habitat including constitution and functions of Expert Committee, scientific information required and resettlement and matters incidental thereto.**

As envisaged in the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, Critical Wildlife Habitats are to be declared by the Central Government in the Ministry of Environment and Forests after a process of consultation by Expert Committees. In this regard, these guidelines are issued, which include both criteria as well as the process.

**1. Application for notification of critical wildlife habitat :**

- (a) The State Government shall initiate the process for notification of a critical wildlife habitat by submitting an application on a case by case basis, to the Ministry of Environment and Forests, under intimation to the nodal agency under the said Act. The application shall include, among others, information as required under these guidelines.

**2. Criteria and Process for deciding Critical Tiger/wildlife habitats in tiger reserves / protected areas**

With the aim of maintaining viable populations of tiger and other faunal and floral species to conserve biodiversity and life support ecological systems in natural wilderness areas, the following criteria would be followed:

- a. Delineation of critical tiger/wildlife habitat (inviolable space/habitat) required for the sustenance of a viable populations of tiger and other wild animals in tiger reserves and protected areas vis-à-vis the Wildlife (Protection) Act, 1972, as

amended in 2006, and the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.

b. A minimum inviolate space of 800-1000 sq. km. should be maintained as the inviolate area to support a viable population of tiger in tiger landscapes, based on tiger life history parameters, territory sizes and populations viability analysis.

c. For National Parks and Sanctuaries, other than Tiger Reserves, critical wildlife habitat area should be demarcated on the basis of species area curves specific for each bio-geographical area, as classified by the Wildlife Institute of India (Rodgers and Panwar, 1988). The size of the inviolate area within each critical habitat zone will be based on its potential to harbor viable populations of umbrella species (endemic species, top carnivores, mega-herbivores, indicator, wild relatives of species of economic value, endangered and threatened, and migratory species), which would serve to conserve the entire biodiversity of the area.

d. Besides National Parks and Sanctuaries, identified corridors of significant wildlife values should also be examined according to the above criteria for delineation as critical wildlife habitat.

### 3. Expert Committee, its composition and functions

3.1 For completing the process of deciding inviolate areas as per the criteria prescribed above, the following Committees would be constituted:

#### Central Committee

- |  |          |
|--|----------|
| a. Additional DG Forests (Wildlife)          | Chairman |
| b. Chief Wildlife Wardens of concerned state | Member   |
| c. Director, WII, Dehradun                   | Member   |

d. Shri Valmik Thapar,

Member

e. Shri Mahendra Vyas

Member

f. Representative from the Ministry of Tribal Affairs,

Member

g. Wildlife Scientist familiar with the area

Member

h. Member Secretary, NTCA/)

i. Inspector General of forest (WL)

Member Convener

3.2 The Central Committee would examine, on a case-by-case basis, proposals received from States for declaration of critical wildlife habitats in tiger reserves/protected areas, within 30 days of its receipt, for final notification.

### 3.3 State Level Committee

i. The State Government shall notify a State level Committee with the following composition:

- a. State Chief Wildlife Warden Chairman
- b. Representative of Ministry of Environment and Forests, Government of India Member
- c. Representative from the Ministry of Tribal Affairs, Government of India Member
- d. Two State level experts in the field of wildlife Members
- e. One local representative in the field of sociology/conservation or a representative from Gram Sabha Member
- f. Protected Area Manager Member Convener

### 3.4 Terms of Reference for State level Expert Committee

- (i) The Expert Committee shall determine the extent of inviolate area required for wildlife conservation, based on above criteria, evidence and analysis

presented by the State Government in its application; deliberations during the consultation and other studies or information from its own investigation;

- (ii) The Expert Committee, in arriving at such a decision, may, among others,
  - (a) have the power to summon witnesses, call for documents, and undertake any other actions or investigations it feels necessary;
  - (b) consult the Gram Sabhas that would fall within or are dependent on resources within the proposed critical wildlife habitat, the Director of the concerned National Park or Sanctuary, Divisional Forest Officer as well members of the civil society organizations working on social and environmental issues in the area.
- (iii) The Expert Committees may further
  - (a) request additional information or return the said application to the State government along with its reasons for doing so, within a specified period
  - (b) independently verify that complete and correct information was provided to the concerned Gram Sabha which are included in the proposed critical wildlife habitat
  - (c) act on requests from concerned Gram Sabhas and provide support to collect relevant information on the proposed critical wildlife habitat
- (iv) The State Government or any affected Gram Sabha or individual may send objections, comments or additional evidence to the Expert Committee on its decision within 30 days from the date of first hearing of the State Committee.
- (v) The Expert Committee shall consider these submissions and give a final recommendation to the Ministry of Environment and Forests within 15 days.

**Information to be submitted with application for critical wildlife habitat**

The State Government shall include the following information while submitting the application for critical wildlife habitat, namely: -

- (i) Physical, topographical and ecological details along with relevant maps of the areas to be determined as critical wildlife habitat;

- (ii) Location of human habitations within the proposed critical wildlife habitat along with their demographic, economic and social details;
- (iii) A list of families and settlements likely to be affected by the declaration of the critical wildlife habitat;
- (iv) Scientific studies including documentation of biodiversity that at least provide the ecological data on the habitat and population of the significant plant and animal species;
- (v) Data on human animal conflict and assessment of impact of human presence on animal numbers and animal habitat;
- (vi) Studies on the extent of dependence and interaction of the affected Communities with the forest resources within the proposed critical wildlife habitats;
- (vii) Resolution of the Gram Sabha certifying that in areas included within the proposed critical wildlife habitats, the process of recognition and vesting of rights has been completed;
- (viii) Resolution of the Gram Sabha certifying that the affected Gram Sabhas have been informed in writing that it is proposed to include their habitations and habitats in critical wildlife habitats and that a copy of the complete proposal prepared by the State Government for the same has been provided to it;
- (ix) The State Government ensure that the requirement under Sections 4(2)(b) and 4(2)(c) of the Act has been fulfilled and the basis therefore.

#### **Consultation for determining critical wildlife habitat**

- (i) The Expert Committee shall initiate open process of consultations on the said application in the following manner:
  - (a) One or more hearings close to or within the critical wildlife habitat, ensuring that reasonable opportunity is provided for all affected to attend the said hearings;
  - (b) Public notices in local languages shall be issued, broadcast on the radio, posted on the web and all appropriate publicity methods used at least thirty days prior to public hearings;



- (c) Gram Sabhas can invite additional experts to be present and participate in the public hearing.
  
- (ii) At the hearing, the State government shall in the local language
  - (a) Describe the areas and boundary of the proposed critical wildlife habitat;
  - (b) Details of the various habitations and persons to be affected
  - (c) Data provided in the application to the Ministry of Environment and Forests

The quorum for the hearing shall be two-thirds of the adults in the area for which the hearing is being held shall be required. If there is no quorum then the hearing may be reconvened at a later date with sufficient notice where the quorum shall be half of the adult members in the area. Later date with sufficient notice where the quorum shall be half of the adult members in the area.

**6. Subsequent Action by the Ministry of Environment & Forests**

- (i) The Ministry of Environment and Forests may notify the critical wildlife habitat taking into account the recommendations of the Expert Committee and make this information public.
- (ii) Such notification will be in English and in the official language of the state, and posted on the web.
- (iii) The Central Government, only after such notification of critical wildlife habitat, may initiate a process of creating inviolate areas for wildlife conservation in such critical wildlife habitat where forest rights may be modified or holders of forest right may be resettled as per the Section 4(2) of the Act.

\*\*\*\*\*

**No.23011/28/2008-SG-II  
Government of India  
Ministry of Tribal Affairs**

**Shastri Bhawan, New Delhi  
Date: 03.12.2008**

To

All State secretaries in charge of Tribal Welfare

(All States/UTs, except J&K, Haryana, Nagaland and Lakshadweep)

**Sub.: The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2008 - clarification regarding.**

Sir

1. As you are aware, Rule 11(1) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2008 provides that the Gram Sabha shall call for claims and authorize the Forest Right Committee to accept the claims in the form as provided in Annexure-I of these Rules and such claims shall be made within a period of three months from the date of such calling of claims along with at least two of the evidences mentioned in rule 13, provided that the Gram Sabha may, if consider necessary, extend such period of 3 months after recording the reasons thereof in writing.
2. As the Rules provide for three months time for filing the claims, a question has been raised as to whether the Gram Sabha can consider the clear cases immediately or the Gram Sabha has to consider the cases only after the expiry of three months period. It is clarified that the period of three months for filling the claims is to be reckoned from the date of calling of claims after the constitution of Forest Rights Committee. Gram Sabhas can consider undisputed cases provided the procedure as laid down in the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2008 has been followed.

Yours faithfully,  
Sd/-

**(Sunil Garg)  
Under Secy. to the Govt. of India**

Dated May 18, 2009

**Government of India  
Ministry of Tribal Affairs**

**Procedure for seeking prior approval for diversion of forest land for non forest purposes for facilities managed by the Government under Section 3(2) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.**

Sub-section (2) of Section 3 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 provides that notwithstanding anything contained in the Forest (Conservation) Act, 1980, the Central Government shall provide for diversion of forest land for certain facilities managed by the Government, as specified in that Section, which involve felling of trees not exceeding seventy-five trees per hectare, provided that such diversion of forest land shall be allowed only if, -

- (i) the forest land to be diverted for the purposes mentioned in the said sub-section is less than one hectare in each case; and
- (ii) the clearance of such developmental projects shall be subject to the condition that the same is recommended by the Gram Sabha.

2. For implementation of the provisions of sub-section (2) of Section 3 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) act, 2006 the Central Government hereby lays down the following procedure:-

**2.1 Definitions:-**In the procedure, unless the context otherwise requires:-

- (a) "Acts" means the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (2 of 2007);
- (b) "District Level Committee" shall mean the Committee constituted under Rule 7 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights), Rules, 2008;
- (c) "Forest Land" shall have the same meaning as defined in Section 2(d) of the Act;
- (d) "Gram Sabha" shall have the same meaning as defined in Section 2(g) of the Act;

- (e) "Nodal Officer" means any officer not below the rank of Conservator of Forests, authorized by the State Government to deal with matters relating to diversion of forest land under the Act;
- (f) "Section" means a section of the Act;
- (g) "User Agency" means a Department of the Central or state Government or a District Panchayat making a request for diversion of forest land for developmental projects managed by the Government as specified in sub-section (2) of Section 3 of the Act;
- (h) "Village" shall have the same meaning as defined in Section 2(p) of the Act.

**2.2 Submission of the proposals seeking approval for diversion of the forest land under sub-section (2) of Section 3 of the Act. –**

- (i) Every User Agency, that wants to use any forest land for any developmental project, specified in Section 3(2) of the Act, shall make a proposal in the appropriate Form appended, i.e. Form 'A', and place it before the general assembly of the concerned Gram Sabha for adopting a resolution to that effect.
- (ii) A quorum of atleast half the members of the gram Sabha should be present for adopting a resolution recommending the diversion of forest land.
- (iii) On receipt of a recommendation of the proposal by the gram Sabha, the User Agency will submit the proposal to the concerned Range Forest Officer (RFO) of the area, along with the resolution adopted by the Gram Sabha.
- (iv) The Range Forest Officer (RFO) concerned will carry out site inspection of the proposed area to opine on the acceptance of the proposal.
- (v) The Range Forest Officer (RFO) concerned will submit the proposal and his recommendation to the concerned Divisional Forest Officer (DFO) in Form 'B' appended, along with his site inspection report and his opinion within three weeks from the date of receipt of complete proposal from the User Agency.
- (vi) The Divisional Forest Officer (DFO) concerned will consider the proposal, and if he agrees, he will accord his approval and communicate his decision to the Range Forest Officer (RFO) concerned with a copy to the Chairperson of the District Level Committee, within four weeks from the date of receipt of the proposal from the RFO.

- (vii) After receipt of the approval from the concerned DFO, the RFO will demarcate the area of the forest land approved for diversion and hand over the same to the User Agency under the supervision of the Gram Sabha.
- (viii) If the Divisional Forest Officer (DFO) concerned does not approve the proposal submitted by the User Agency through the Range Forest Officer (RFO), he shall forward the proposal to the District Level Committee for a final decision.
- (ix) The District Level Committee will meet and take a final decision, will at least 1/3 quorum, and convey the decision to the DFO for implementation and correction of records and map if the proposal is accepted.
- (x) The approval for diversion of the forest land by the Divisional Forest Officer (DFO) or by the District Level Committee, as the case may be, shall be accorded subject to the condition that the land diverted for a specific purpose shall not be allowed to be used for any other purpose and the diverted land would be appropriated by the Forest Department if the activity for which the land was diverted is not started within one year of handing over the land to the User Agency.
- (xi) The DFO concerned will submit a quarterly report of the approvals accorded for diversion of forest land under Section 3(2) of the Act to the Nodal Officer of the State who, in turn, will furnish the consolidated information quarterly to the secretary, Tribal Welfare Department who will, in turn send the consolidated report to the Ministries of Tribal Affairs and Environment & Forests.
- (xii) The Nodal Officer will also monitor the progress.

## APPENDIX

**Form for seeking prior approval for diversion of forest land for non-forestry purposes for the facilities managed by the Government under sub-section (2) of Section 3 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006**

### FORM – A

[See para 2.2(i)]

**(To be filled up by the User Agency)**

**1. Project details:**

- i. Short narrative of the proposed project / scheme for which the forest land is required.
  - ii. Details of the forest land required (two options to be indicated)
    - a. Location – Survey No. / Compartment No.
    - b. Extent of the area (in hectare)
    - c. Forest Division
    - d. Map showing the required forest land, boundary of adjoining forest on a 1:50,000 scale map.
  - iii. Justification for locating the project in proposed forest land(s)
  - iv. Number of trees to be felled (per hectare) and number that will be kept standing.
2. Detailed, purpose-wise break-up of the total forest land required with proposed building / activity area map.
  3. Confirmation that User Agency will plant at least twice the number of trees to be felled, in the project or adjacent area and the amount to be provided annually for protection and maintenance of these plants for at least five years (Details to be enclosed).
  4. recommendation of the Gram Sabha – Accepted / Rejected

[Please tick (✓), as the case may be], [Copy of the Gram Sabha resolution to be attached.]

Signature of the authorized person for the User Agency

(Name in Block letters) \_\_\_\_\_

Address \_\_\_\_\_

Date: \_\_\_\_\_

Place: \_\_\_\_\_

Serial No. of proposal \_\_\_\_\_

(To be filled up by the Range Forest Officer with date of receipt)

**FORM – B**

**[See para 2.2(iv)]**

**(To be filled up by the concerned Range Forest Officer)**

**Serial No. of proposal**

**1. Location of the project / Scheme:**

- (i) State / Union Territory
  - (ii) District.
  - (iii) Forest Division
  - (iv) Proposed forest land(s) (two options to be indicated)
    - i. Location – Survey No. / Compartment No.
    - ii. Extent of the area (in hectare)
  - (v) Whether part of biosphere reserve, tiger reserve, elephant corridor, etc.
2. Site inspection report (to be attached), containing the date of visit, and justified opinion on the acceptability of the proposal (separately for the two options).
3. Specific recommendation of the Range Forest Officer for acceptance or otherwise of the proposal and the better option.

Signature of the RFO

Name \_\_\_\_\_

Official Seal

Date: \_\_\_\_\_

Place: \_\_\_\_\_

Accepted / Not accepted  
with reasons to be recorded

Signature of the DFO

Name \_\_\_\_\_

Official Seal

Date: \_\_\_\_\_

Place: \_\_\_\_\_

**No. 14020/15/2005-SG-II**

**Government of India  
Ministry of Tribal Affairs**

**Shastri Bhawan, New Delhi – 11001**

**Dated: 30<sup>th</sup> June, 2009**

**To**

**The Principal Secretary / Secretary / Secretary-cum-Commissioner  
Tribal welfare Department  
Assam, Chhatisgarh, Gujarat, Jharkhand, Madhya Pradesh,  
Meghalaya, Mizoram, Orissa, Tripura, Uttar Pradesh,  
Uttarkhand and West Bengal.**

**Sub.: Development of forest villages – details of Population.**

1. The undersigned is directed to state that this Ministry is required to furnish to parliament etc. details of the population of the each forest village being funded under the programme. You are requested to furnish number of the people living in the each forest villages immediately by return fax.
2. In this connection, it is brought to your attention that representatives of this Ministry, Planning Commission, Ministry of Environment & Forests and National Commission for Scheduled Tribes (NCST) are planning to undertake visits of selected villages to get firsthand information on the implementation done your State. Details of visits of such teams shall be intimated to you separately.

**Yours faithfully,**

**Sd/-**

**[N. Ramakrishnan]  
Under Secretary.**





**F. No. 11-9/1998-FC (pt)**  
**Government of India**  
**Ministry of Environment and Forests**  
**(FC Division)**

Paryavaran Bhawan,  
CGO Complex, Lodhi Road,  
New Delhi - 110510.  
Dated : 30.07.2009

To

The Chief Secretary / Administrator  
(All State/UT Governments except J&K)

**Subject: Diversion of forest land for non-forest purposes under the Forest (Conservation) Act, 1980 - ensuring compliance of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006.**

Sir,

I am directed to invite the attention of the State Government to the operationalization of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 which has become effective from 01.01.2008. It is observed that the proposals under the Forest (Conservation) Act, 1980 are being received from different states/UT Governments with the submission that the settlement of rights under Forest Rights Act, 2006 (FRA) will be completed later on.

Accordingly, to formulate unconditional proposals under the Forest (Conservation) Act, 1980, the State/UT Governments are, wherever the process of settlement of Rights under the FRA has been completed or currently under process, required to enclose evidences for having initiated and completed the above process, especially among other sections, Sections 3(1)(i), 3(1)(e) and 4(5). These enclosures of evidence shall be in the form of following:

- a. A letter from the State Government certifying that the complete process for identification and settlement of rights under the FRA has been carried out for the entire forest area proposed for diversion, with a record of all consultations and meetings held;
- b. A letter from the State Government certifying that proposals for such diversion (with full details of the project and its implications, in vernacular / local languages) have been placed before each concerned Gram Sabha of forest-dwellers, who are eligible under the FRA;
- c. A letter from each of the concerned Gram Sabhas, indicating that all formalities/processes under the FRA have been carried out, and that they have given their consent to the proposed diversion and the compensatory and ameliorative measures if any, having understood the purposes and details of proposed diversion.



- d. A letter from the State Government certifying that the diversion of forest land for facilities managed by the Government as required under section 3(2) of the FRA have been completed and that the Gram Sabhas have consented to it.
- e. A letter from the State Government certifying that discussions and decisions on such proposals had taken place only when there was a quorum of minimum 50% of members of the Gram Sabha present;
- f. Obtaining the written consent or rejection of the Gram Sabha to the proposal.
- g. A letter from the State Government certifying that the rights of Primitive Tribal Groups and Pre-Agricultural Communities, where applicable, have been specifically safeguarded as per section 3(1)(e) of the FRA.
- h. Any other aspect having bearing on operationalisation of the FRA.

The State/UT Governments, where process of settlement of Rights under the FRA is yet to begin, are required to enclose evidences supporting that settlement of rights under FRA 2006 will be initiated and completed before the final approval for proposals.

This is issued with the approval of Minister of Environment and Forests.

(C.D. Singh)  
Sr. Assistant Inspector General of Forests

Copy to:-

1. The PMO (kind attention: Director, PMO)
2. Secretary, Ministry of Tribal Affairs, Shastri Bhawan, New Delhi.
3. The Principal Chief Conservator of Forests, All States / UTs.
4. The Nodal Officer (FCA), O/o the PCCFs, All States / UTs.
5. All Regional Offices of MoEF located at Bhopal, Shillong, Bangalore, Bhubaneshwar, Lucknow and Chandigarh.
6. The RO (HQ), MoEF, New Delhi.
7. Monitoring Cell, FC Division, MoEF, New Delhi for placing the same on the website of the MoEF.
8. Guard File.

(C.D. Singh)  
Sr. Assistant Inspector General of Forests

**File No. 9-5/2006-NTCA (Part)**  
**GOVERNMENT OF INDIA**  
**NATIONAL TIGER CONSERVATION AUTHORITY**

Annexe No.5, Bikaner house,  
Shahjahan Road, New Delhi- 1100

Email : [dirpter@nic.in](mailto:dirpter@nic.in)

Tele Fax: 23384428

Date the 8<sup>th</sup> September, 2009

To

**The Chief Wildlife Warden (S),**  
All Tiger Range State

**Sub: Identification / Notification of core / critical tiger habitats and relocation of people from such areas, and Identification / Notification of buffer or peripheral areas under section 38V of the Wildlife (Protection) Act, 1972.**

- Ref:**
1. This Ministry letter No.1501/11/2007-PT (Part) dated 15.11.2007
  2. This Ministry's letter No. 1501/11/2007-PT (Part) dated 3.12.2007
  3. This Ministry's letter No. PS-MS (NTLA) (2007- Middle dated 31.01.2008
  4. This Ministry's letter(s) No. 3-1/2003-PT DATED 17.01.2008, 26.02.2008, and 19.03.2008.

Sir,

The process of relocation of people living in the core/critical tiger habitats of tiger reserves has been elaborately dealt with under section 38V of the Wildlife (Protection) Act, 1972. Detailed guidelines in this regard, interalia, have already been issued vide reference(s) cited above.

As you are aware, the Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 has come into force with effect from 31.12.2007, and the rules framed under the said Act are in fore with effect from 01.01.2008. Hence the relocation of villages from core/critical tiger habitats may be carried out keeping in view the overall interest of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006

Further, identification of core/critical tiger habitats in new tiger reserves, after the coming into force of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 would involve action as contained in section 38V of the Wildlife (Protection) Act, 1972, read with the provisions contained in the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.

It is also requested that the buffer or peripheral areas of tiger reserves may also identified/delineated/notified as per 38V of the wildlife (Protection) Act, 1972, as suggested, vide reference and 3<sup>rd</sup> cited, at an early under interaction.

Yours faithfully,

Sd/-

(Dr Rajesh Gopal)

IGF & Member Secretary (NTCA)

Copy to:-

The Principal Secretary (Forests), All Tiger Ranges States.

The Principal Chief Conservation of Forests, All Tiger Ranges States.

The Field Directors, All Tiger Reserves.

Sd/-

IGF & Member Secretary (NTCA)

**Secretary to the Government of India  
Ministry of Tribal Affairs  
Shastri Bhawan, New Delhi – 110 001**

D.O. NO. 23011 / 23 / 2009 – FRA

4<sup>th</sup> December, 2009.

Dear

1. Please refer to my D.O. Letter of even number dated 9<sup>th</sup> June, 2009, addressed to the Principal Secretary, ST & SC Development Department, Government of Orissa, copy enclosed to your predecessor, with the request to consider conducting a study on the implementation of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, on the lines indicated in my letter, either on behalf of the State Government or through IFAD, who are already working in Madhya Pradesh.
2. Your predecessor had told me that the State Government had also initiated a similar study. I would be grateful if you could inform me if the study report is out, and if not, when will it be out?

Yours sincerely,

Sd/-

**(G.B. Mukherji)**

Shri D.R. Birdi,  
Principal Secretary,  
SC and ST Welfare Department,  
Government of Madhya Pradesh,  
Bhopal.

Copy to Shri Ashok Kumar Tripathy, Principal Secretary, ST and SC Development Department, Government of Orissa, Bhubaneswar, in continuation of my D.O. letter of even number dated 9<sup>th</sup> June, 2009 referred to above. It is requested that the progress made in the long term study on implementation of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 entrusted to Nabakrishna Chaudhury Institute may kindly be intimated to this Ministry.

Sd/-

**(G.B. Mukherji)**

**Secretary (TA)**

No. 8-63/2007-FC

**GOVERNMENT OF INDIA  
MINISTRY OF ENVIRONMENT AND FORESTS**

Paryavaran Bhavan, CGO Complex,  
Lodhi Road, New Delhi  
Dated the 8th January, 2010

**Sub. : Diversion of 1253.225 ha of forest land for establishment of Integrated Steel Plan: and Captive Port by POSC-India Pvt. Ltd, Jagashinghpur district of Orissa.**

Sir,

I am directed to refer to our letter of even number dated 29<sup>th</sup> December, 2009 conveying the approval of Central Government under Section 2 of the Forest (Conservation) Act, 1980 for diversion of 1253.225 ha of forest land for establishment of Integrated Steel Plan: and Captive Port by POSC-India Pvt. Ltd, Jagashinghpur district of Orissa. In order to implement the project it is clarified that the project can go ahead only after the conditions of MoEF letter dated 3<sup>rd</sup> August, 2009 including the conditions related to informed consent of the tribal people is fulfilled as per the provision of Scheduled Tribes and Other Forest Dwellers (Recognition of Forest Rights) Act, 2006. The condition No. 14 stipulated in our letter of even number dated 29<sup>th</sup> December, 2009 also said that the approval was subject to fulfillment of the following conditions besides the other 15 conditions stipulated:

\*The rights of tribal people will be settled as per the provisions of Scheduled Tribes and Other Forest Dwellers (Recognition of Forest Rights) Act, 2006 before implementation of the project.

The State Government is, therefore, requested that the conditions stipulated in our previous orders shall be fulfilled in their true spirit.

Yours faithfully,

Sd/-

(Ansar Ahmed)

Inspector General of Forest

**No. 17014/02/2007-PC&V(Vol. VII)(Pt.)  
Government of India  
Ministry of Tribal Affairs**

**Shastri Bhawan, New Delhi**

**March 4, 2010**

**To**

**The Principal Secretary,  
Adim Jati Tatha Anusoochit Jati Kalyan -----  
Government of Madhya Pradesh**

**Subject: Review meeting held on 24.8.2009 in respect of the implementation of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 – action regarding.**

**Sir,**

I am directed to refer to your letter No. F-13-10/2009/25/5 dated 01.09.2009 on the above subject and to say that the issue raised in your letter has been examined in the ministry. It may be stated that the Rules notified by this Ministry on 1.1.2008 for implementing the provisions of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006 lay down an elaborate procedure for recognition and vesting of forest rights under the Act. The Gram Sabhas, Sub-Divisional Level Committees and District Level Committees are required to scrutinize the claims filed for recognition of forest rights under the Act. In detail, as per the procedure laid down in the said Rules, before the District Level Committee takes a final decision on the claims.

2. Claims rejected by DLCs cannot be reviewed but if the State feels that the rejections at earlier levels have been unduly large, then it can investigate the reasons and if it is due to an inadequate reading of the provisions of the Act and Rules, it can apply correctives. But to repeat cases finalized by DLCs cannot be re-opened.

**Yours faithfully,  
Sd/-  
[A.K. Srivastava]  
Director  
Tel. 23387444**

No. 17014/02/2007-PC&V (Vol. VII) (Pt.)  
Government of India  
Ministry of Tribal Affairs

Shastri Bhawan, New Delhi

March 4, 2010

To

The Secretary,  
Social Welfare & Tribal Welfare Department,  
Government of Rajasthan,  
Jaipur - 302 008

**Subject: Large scale encroachment on Forest land during implementation of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.**

Sir,

I am directed to refer to the letter dated 7.8.2009 of the PCCF, Rajasthan, Jaipur, addressed to the Director General of Forests, Ministry of Environment & Forests, and copy endorsed to this Ministry, on the above subject (copy enclosed) and to say that the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 does not prescribe any time limit for recognition and vesting of forest rights of the eligible claimants under the Act. As per Rule 11(a) of the Rules notified by this Ministry on 1.1.2008 for implementing the provisions of the Act, the Gram Sabhas shall call for claims and authorize the Forest Rights Committee to accept the claims in the Form as provided in Annexure - I of the rules and such claims shall be made within a period of three months from the date of such calling of claims along with at least two of the evidences mentioned in rule 13, provided that the Gram Sabha may, if consider necessary, extend such period of three months after recording the reasons thereof in writing.

2. As regards his apprehension regarding the misuse of the Act by the anti-social elements and fresh encroachments of large forest areas, it may be stated that the forest rights under the Act are to be recognized only in respect of the forest land under occupation of forest dwelling Scheduled Tribes and other traditional forest dwellers before the 13th day of December, 2005. The fresh encroachments of forest lands after 13th December, 2005 would not qualify for recognition of rights under the Act. Further, misuse of the Act are to be checked by the prescribed bodies / authorities. The Act cannot be amended to accommodate any lapses on the part of such bodies / authorities.

Yours faithfully,

Sd/-

[A.K. Srivastava]

Director

Tel. 23387444

Copy for information to Director General of Forests, Ministry of Environment & Forests,  
Paryavaran Bhawan, CGO Complex, Lodhi Road, New Delhi - 110 003

Sd/-

[A.K. Srivastava]

Director

Tel. 23387444

**No. 17014/02/2007-PC&V(Vol. VII)(Pt.)  
Government of India  
Ministry of Tribal Affairs**

**Shastri Bhawan, New Delhi**

**March 4, 2010**

**To**

**The Secretary,  
Tribal Development Department,  
Government of Maharashtra,  
Mumbai – 400032.**

**Subject: Applicability of the Scheduled Tribes and Other Traditional Forest Dwellers  
(Recognition of Forest Rights) Act, 2006 in Municipal Corporation Areas.**

Sir,

I am directed to refer to the letter No. TRT/Forest Act/FRA in Municipal areas/460 dated 1.12.2009 from the Commissioner, TR&TI, Pune, on the above subject and to say that the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 prescribes the Gram Sabha as the authority to initiate the process of determining the nature and extent of the forest rights which are to be given to the forest dwelling Scheduled Tribes and other traditional forest dwellers. As per the act and the Rules framed thereunder, the Sub-Divisional Level Committee has to examine the resolution passed by the Gram Sabha and prepare the records of forest rights and forward it through the Sub-Divisional Officer to the District Level Committee for a final decision on the record of forest rights.

2. It has been stated in the above letter that the Sub-Divisional Level Committee and the District Level Committee cannot be formed in the Municipal Corporation areas of the State as per the provisions of the Act. In view of this, the Act cannot be implemented in the concerned Municipal Corporation areas of the State.

Yours faithfully,  
Sd/-  
[A.K. Srivastava]  
Director  
Tel. 23387444

Copy to the Commissioner, Tribal Research & Training Institute, 28, Queens Garden, Pune – 411001 for information.

Sd/-  
[A.K. Srivastava]  
Director



**No. 17014/02/2007-PC&V(Vol. VII)(Pt.)  
Government of India  
Ministry of Tribal Affairs**

**Shastri Bhawan, New Delhi**

**March 4, 2010**

To

**The Director (Social Welfare)  
UT Administration of Daman & Diu  
Tribal Sub Plan Cell,  
Collectorate, Dholar  
Moti Daman – 396220.**

**Subject: Delegation of power under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.**

Sir,

I am directed to refer to your letter No. TSP/333/Forest/09/10/89 dated 07.01.2010 on the above subject and to say that this Ministry has already conveyed 'no objection' to the proposal of the Daman & Diu Administration for delegation of powers of the "State Government" under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, under Article 239 of the Constitution, to Ministry of Home Affairs, vide this Ministry's O.M. of even number dated 17.11.2009 (copy enclosed)

3. As regards the proposal for relaxation of the requirement of 2/3rd quorum of the members of the Gram Sabha for constituting the Forest Rights Committee at village level, it may be stated that the provision for the quorum of 2/3rd of all members of the gram Sabha for the meeting of the Gram Sabha in Rule 4(2) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2008 has been made with a view to ensure true representation of all the members of the Gram Sabha in such meetings so that the decisions taken therein are impartial and cater to the real objective of the meeting. These Rules do not permit relaxation of this requirement of quorum. The UT Administration may ascertain from the Governments of Madhya Pradesh, Gujarat, etc. as to how these States have been successfully operating this provision.

Yours faithfully,  
Sd/-  
[A.K. Srivastava]  
Director

No.17014/02/2007-PC&V/FRA (Vol.VII)  
Government of India  
Ministry of Tribal Affairs

Shastri Bhawan, New Delhi  
May 6, 2010

To

The Principal Secretary & Commissioner for Social Welfare  
Government of Uttar Pradesh  
Lucknow

Subject: Grant of land rights to *taungya* cultivators under the Scheduled Tribes and  
Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.

Sir,

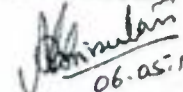
I am directed to refer to your letter No.568/26-3-2010-4(41)/2006 dated 12.4.2010 on the above subject and to say that under Section 4(3) read with section 4(6) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, the following two conditions are required to be satisfied for recognition and vesting of forest rights in the forest dwelling Scheduled Tribes and other traditional forest dwellers in respect of forest land and their habitat:

- (i) they had occupied forest land before the 13<sup>th</sup> day of December, 2005; and
- (ii) they were in occupation of such land on the date of commencement of the Act, i.e., 31.12.2007.

In the case of the other traditional forest dwellers, the condition of at least three generations' stay (75 years) prior to the 13<sup>th</sup> day of December, 2005 is necessary

2. In the case of *taungya* cultivators of the State, if the above conditions are not satisfied, they would not be eligible for recognition of forest rights over forest land under their occupation under the Act.

Yours faithfully,

  
06.05.10  
[ A.K. Srivastava ]  
Director  
Tele: 23387444

**No. 17014/02/2007-PC&V (Vol-II) (Pt)**  
**Government of India**  
**Ministry of Tribal Affairs**

**Shastri Bhawan, New Delhi**

**Dated: 11.6.2010**

To

Shri Vinod Kumar,  
Special Secretary,  
ST & SC Dev. & Minorities & B.C.W. Deptt,  
Government of Orissa, Bhubaneswar

Sub: Supply of copies of clarifications on implementation of Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 issued in March, 2010.

Sir,

I am directed to refer to you D.O letter No. 21959/SSD/TD-II-32/08 (P) dated 19.5.2010 on the above mentioned subject.

2. A copy each of the following documents, are sent herewith:

- (i) Fixing time for receiving claims by Gram Sabhas.
- (ii) Review of claims decided (as rejected) by DLC, SDLC, Gram Sabhas.
- (iii) Applicability of FRA 2006 in Municipal Areas.
- (iv) Relaxation of requirement of 50% quorum of Gram Sabha for constituting FRC on requirement 50% quorum for forest diversion towards community claims under FRA 2006.

Yours faithfully,

Sd/-

(Sunil Garg)

Under Secretary to the Government of India

Tel. 011-23386893

**BACHITTAR SINGH**  
**JOINT SECRETARY**  
Tele: 23073489  
Fax: 23070489

**GOVERNMENT OF INDIA**  
**MINISTRY OF TRIBAL AFFAIRS**  
**SHASTRI BHAWAN, NEW DELHI - 110115**  
Email : [bsingh@nic.in](mailto:bsingh@nic.in)  
Website : [www.tribal.gov.in](http://www.tribal.gov.in)

D.O. No. 23011/14/2008-FRA

**IMMEDIATE**  
**Dated: 16.06.2010**

Dear Sir,

Please refer to D.O. letter of even number dated 14.9.09 by Shri A.K. Srivastava, Director of this Ministry regarding furnishing of the information relating to the implementation of the Forest Rights Act, 2006 in the Left Wing Extremism (LWE) affected districts / areas of your State in the prescribed format. Subsequently, Shri Srivastava, vide his D.O. letter of same number dated 24.12.09 had requested you to issue necessary instructions to the concerned LWE district officials to ensure the entry of the district wise details relating to the implementation of the Act, on monthly basis, on the MIS Portal developed by Planning Commission. Shri Srivastava has again requested you, vide his D.O. letter of same number dated 18.01.2010, to ensure that the district-wise data is uploaded on the MIS developed by Planning Commission regularly.

2. It is observed that your State Government is not furnishing the requisite information relating to the implementation of the Act in the LWE affected districts / areas to this Ministry, on a regular basis. The Secretary, Planning Commission vide letter No. P - 12018/6/2010-RD(Pt.) dated 4.2.2010, has requested the Chief Secretary of your State to advise the District Collectors/District Magistrates of the SWE district in your State to upload district-wise data of January 2010 on their MIS in the revised format by 10th February 2010.

3. I request you to accord top-most priority to furnishing the requisite information to this Ministry, every month. It may also be ensured that the district-wise data is uploaded on the MIS developed by Planning Commission regularly. The MIS can be accessed on-line at <http://pcserver.nic.in/lwe>.

4. As the data uploaded on the SWE MIS Portal is analysed in the Planning Commission and the analysis report is sent to Cabinet secretariat, Prime Minister's Office and M/o Home Affairs, you are requested to advise the District Collector / District Magistrate to personally look in the timely loading and correctness of the data. You are also requested to intimate the action taken in regard to uploading district-wise data on the MIS developed by the Planning Commission in the revised format for the month of January, 2010 to May, 2010 and also furnish a copy of the same to this Ministry, at your earliest.

Yours sincerely,

Sd/-

(Dr. Bachittar Singh)

Shri Ashok Kumar Tripathy  
Principal Secretary,  
SC / ST Department,  
Government of Orissa,  
Bhubaneswar.

**F.No.7-12/2010-FP**  
**Government of India**  
**Ministry of Environment & Forests**  
**(FP –Section)**

**Paryavaran Bhawan,**  
**CGO Complex, Lodhi Road,**  
**New Delhi – 110003**

**Dated: 21.06.2010**

**To**

**The Principal Chief Conservator of Forests,**  
**Department of Forests,**  
**All States / UTs.**

**Subject: Compelling the Scheduled Tribes dwelling in the National Parks and Wildlife Sanctuaries to leave the premises of National Parks and Wildlife Sanctuaries without settling their rights under the provisions of the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006**

**Sir,**

Please find enclosed herewith a copy of D.O. letter No. 23011/29/2009-S.G.-2(FRA) dated 06.05.2010 as received from Shri Kanti Lal Bhuria, Hon'ble Minister of Tribal Affairs, Government of India on the subject cited above. In this regard, it is to inform that before taking any decision regarding the displacement of Schedule Tribes from National Parks and Wildlife Sanctuaries, it must be ensured that the Provisions of Scheduled Tribes and Other Traditional Forest Dweller (Recognition of Forest Rights) Act, 2006 have been duly complied with. This is also needed to evaluate the compensation to be paid to them through award of collector.

**Yours faithfully,**

**Encl. As stated above**  
**Sd/-**

**(Mohan Lal)**  
**AIG (FC)**

**Copy to:**

**Member Secretary, NTCA, Govt. of India, Bikaner House, New Delhi for information.**

*Gautam Buddha Mukherji*  
*Tele: 23381652*  
*Fax: 23073160*

*Secretary to the Government of India*  
*Ministry of Tribal Affairs*  
*Shastri Bhawan, New Delhi - 110 001*  
*Email : secy-tribal@nic.in*  
*Website: www.tribal.gov.in*

**D.O. No. 23011/24/2009-FRA**

**15th July, 2010**

Dear

The Ministry has been noticing that most States have been showing a higher percentage of rejection over acceptance of claims under the Forest Rights Act. This fact has also been pointed out by various civil society organizations. Admittedly, while processing of claims is a quasi-judicial exercise, it becomes an item of worry when the rejections are of such high order.

When the Ministry of Tribal Affairs are asked the reasons for such high rejection by States, only generalized replies are possible, based on the inputs received during conferences, workshops or from personal interactions. A time has, therefore, come when not only should we attempt to find out the categories / reasons for rejections by the Gram Sabha and at the Sub Divisional level, but there from also find out the ways of improving the quality of our otherwise considered excellent performance in the distribution of rights across the country.

Kindly, therefore, initiate an action immediately, on a statistically acceptable sampling basis, at the level of Gram Sabha and Sub Divisional level Committees for categorizing all rejections, with their numbers. We can suggest the following categories:

- a. Non-availability of written record;
- b. Non-availability of other criteria specified in Rule 13;
- c. Non-possession of forest land;
- d. Non-occupation on the date relevant to the Act;
- e. Multiple claimants;
- f. Doubtful tribal status;

You may like to add other criteria relevant to your State.

Kindly also include figures for other traditional forest dwellers (OTFD) separately from Scheduled Tribes in the above assessment.

The expenses for the survey can be met out of the grants under Article 275(1) proviso, as communicated to all States in early 2009. We hope that this exercise will be completed in three months and, thereafter, included in each monthly progress report.

Yours sincerely,

*Shri Tarun Kanti Mishra,*  
*Chief Secretary,*  
*Government of Odisha,*  
*Bhubaneswar.*

Sd/-

**(G.B. Mukherji)**

**D.O. No. 23011/24/2009-FRA**

**20<sup>th</sup> July, 2010**

Dear Tarun,

The Status of implementation of the Forest Rights Act was recently reviewed in a very high level meeting. It was noted that while substantial progress had been made, it could have been better had such wide inter-state variations not been there. Concerns were also expressed regarding the high rates of claim rejection, difficulties expressed by claimants in accessing the requisite evidence, delays in the demarcation / handing over of land including provision of maps, insufficient emphasis on community rights, non-conversion of forest villages into revenue villages, non-involvement of the civil societies, academics, etc. in facilitating claims, especially those of the Particularly Vulnerable tribal Groups (PTGs), capacity building of the various committees set up under the Act, particularly the Forest Rights Committees and the Gram Sabha, etc.

2. In order to accelerate the pace of implementation of the Act and to address the concerns mentioned above, we would like to request that the following measures be taken by the State Governments immediately:

- (i) A scrutiny of reports received from the states so far reveals that till 30<sup>th</sup> June, 2010 only 1.76 per cent of the forest rights claims filed relate to community rights. Since most community claims relate to the ownership of minor forest produce, **State Governments should launch a special campaign, as is being undertaken in Orissa, for generating wide-spread awareness about these community rights, if necessary, by re-training field level functionaries engaged in the processing of such applications.** The Gram Sabhas in the State may be given instructions to facilitate the collection of more community right claims. Support of local resource institutions under the State Government may be enlisted.
- (ii) As per Rule 4(3), the Gram Sabha is to be provided with all necessary assistance by the authorities in the State in the discharge of its functions. In order to (a) overcome the difficulties experienced by the claimants in accessing the requisite evidence in support of their claims; (b) avoid the delays in preparation of a map delineating the area of each recommended claim; (c) facilitate claims; especially those of PTGs; (d) enhance capacity building of the Forest Rights Committees constituted by the Gram Sabha for assisting the Gram Sabha etc. **the State Government may provide the gram Sabhas with the assistance of facilitators,** As in the case of Gram Sabhas, the State Government may also provide the Sub Divisional Level Committees with the assistance of facilitators for due discharge of functions assigned to them under Rule 6. These facilitators may be engaged with the involvement and approval of the District Collector. **The assistance of local Tribal Research Institutes (TRIs) can also be sought.** The expenses on the engagement of facilitators can be made out of the grants Article 275(1) proviso, as communicated to the States in early 2009.
- (iii) Rule 12 specifically lays down that Forest Rights Committees must ensure that claims from the members of the PTGs or pre-agricultural communities are verified in the presence of the members of such communities. If this is read with the list of evidence provided in Rule 13(1) (c) and Rule 13(1)(i) the establishment of claims for such communities is not likely to be a

problem. What is essential however is that such communities must be focused for specific attention as provided in Rule 8(b). **Hence, besides reiterating these provisions, kindly also facilitate collection and processing of the claims from such groups and communities in line with what has been suggested in sub-para (ii) of this letter.**

- (iv) **The Ministry has been noticing that the State Level Monitoring Committees (SLMC), in most States, have not been meeting regularly to take stock of field level problems.** You may kindly schedule meeting at least once in three months – to monitor the process of implementation of the Act, take stock of the filed level problems and furnish a six monthly synoptic report to this Ministry on the status of implementation and field level problem, if any, as prescribed under Rule 10(d).
- (v) **It is proposed to nominate a representative of the Ministry of Tribal Affairs to attend selected meetings of the SLMC in some Stats as an observer.** Hence, a schedule of the SLMC meetings for the year may be drawn up and intimated to this Ministry well in advance so that a representative of this Ministry could be deputed accordingly.
- (vi) Rule 14(1) requires that a person aggrieved by the resolution of the Gram Sabha may file a petition to the Sub Divisional Level Committee (SDLC) **within a period of sixty days from the date of resolution.** This presumes that the resolution of the Gram Sabha (or the SDLC) is communicated to the claimant on the day the resolution has been passed. There could, however, be a time gap between the date of the resolution and the communication of the same to the affected person. **Natural justice demands that the sixty days should count form the date of communication of the orders.** Likewise, though not specifically provided in the Rules, natural justice demands that the rejection of a claimant by the District Level Committee should also be communicated so that the affected person is aware, and can seek redressal as provided in the Act.
- (vii) The Forest Rights Act provides, under Section 3(1)(h), that after settlement of rights, forest villages should be converted into revenue villages. Similarly, individual rights also need to be recorded in the appropriate manner following the settlement rules prescribed to each State. As this aspect has not been attended to till now, and in the context of the large number of claims settled in the meanwhile, **the formal recording of these rights have to be attended to on priority basis, henceforth.** You may in the next meeting of the State Level Monitoring Committee decide on the time schedule for the completion of this activity.

3. We hope that following these measures, our quantitative achievements will now be supported qualitatively.

Yours sincerely,

Sd/-

*Shri Tarun Kanti Mishra,  
Chief Secretary,  
Government of Odisha,  
Bhubaneswar.*

(G.B. Mukherji)



**No. 23011/16/2010-FRA  
Government of India  
Ministry of Tribal Affairs**

**Shastri Bhawan, New Delhi,  
22<sup>nd</sup> July, 2010**

To

**The Chief Secretary,  
Government of Odisha,  
Bhubaneswar.**

**Sub: Direction under Section 12 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006 (in short Forest Rights Act).**

Sir,

A direction is being issued under Section 12 of the Forest Rights Act to the authorities prescribed in Chapter IV of the Act that recommendation of the Gram Sabha for settling rights over minor forest produce (both individual and community) **should be just processed, not re-examined for quick acceptance.**

2. Such a direction will be in tune with both the Forest Rights Act {Section 6 (i) read with 3(1) (c)} and Panchayats (Extension to the Scheduled Areas) Act 1996 (PESA) {Section 4 (m) (ii)}

Yours faithfully,  
Sd/-  
(G.B. Mukherji)  
Secretary to the Government of India  
Tel: 23381652

*Arbind Kumar Chugh*  
Tele: 23381652  
Fax: 23073160

*Secretary to the Government of India*  
*Ministry of Tribal Affairs*  
*Shastri Bhawan, New Delhi – 110 001*  
*Website: www.tribal.gov.in*

**D.O. No. 17011/1/2010-FRA**

**3<sup>rd</sup> September, 2010**

Dear

As you are aware, the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) act 2006 envisages the recognition and vesting of forest rights in forest dwelling Scheduled Tribes and other traditional forest dwellers over forest land in the National Parks and Sanctuaries also.

2. As per the information available with the Ministry, critical wildlife habitats in the National Parks and Sanctuaries are yet to be determined and notified under Section 2(b) of the Act, and, therefore, no action has been taken by State / UT Governments for the recognition and vesting of rights of forest dwelling Scheduled tribes and other traditional forest dwellers occupying forest land in the National Parks and Sanctuaries.

3. It may be mentioned that the recognition and vesting of the forest rights under the Act is not related to the determination and notification of critical wildlife habitats in the National Parks and Sanctuaries. There is no provision in the Act to defer the process of vesting of forest rights till critical wildlife habitats are determined and notified. In fact, the rights need to be recognized first in the National Parks and Sanctuaries before undertaking any exercise for resettlement. No eviction and resettlement is permissible till all the formalities are completed.

4. Complaints were received in this Ministry that some Schedule Tribe persons living in National Parks and Sanctuaries are being forced to leave these areas without their rights, under the Act, being decided one way or the other. The Ministry had accordingly taken up the matter with the Ministry of Environment and Forests to issue instructions to all State Forest Departments to faithfully implement the provisions of the Forest Rights Act before any decision is taken on the eviction of the Scheduled Tribes living in these areas.

5. Consequently, Ministry of Environment and Forests has requested all the State Governments to ensure that before taking any decision on displacement of Scheduled Tribes from National Parks and Sanctuaries, the provisions of the Scheduled tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) act 2006 should be duly complied with. In this connection, a copy of Ministry of Environment and Forests' letter No.7-12/2010-FP dated 21<sup>st</sup> June, 2010, addressed to the Principal Chief Conservator of Forests, Departments of Forest of all States / UTs is enclosed.

6. I shall be grateful if you could kindly bring the contents of the enclosed letter to the notice of all officers concerned with the implementation of the Act in your State for compliance.

*Shri Tarun Kanti Mishra,*  
*Chief Secretary,*  
*Government of Odisha,*  
*Bhubaneswar.*

Yours sincerely,  
Sd/-  
(A.K. Chugh)

No. 17011/1/2010-FRA

3<sup>rd</sup> September, 2010

Copy, along with a copy of Ministry of Environment & Forests letter No. 7-12/2010-FP dated 21<sup>st</sup> June, 2010, forwarded to Secretary, Scheduled Castes and Scheduled Tribes Welfare Department, Government of Orissa, Bhubaneswar for information and necessary action.

Sd/-  
(A.K. Chugh)  
Secretary (TA)

**F.No.12-1/2006-FP**  
**Government of India**  
**Ministry of Environment & Forest**  
**(Forest Policy Division)**

**Paryavaran Bhawan,**  
**CGO Complex, Lodhi Road,**  
**New Delhi – 110003**

**Dated: 23<sup>rd</sup> September, 2010**

To

The Chief Secretary,  
All the States.

**Sub: Implementation of FRA in States.**

**Sir,**

With reference to the above subject, I would like to inform you that this Ministry has received comments from observers that in certain cases, District Collectors are issuing Pattas without proper identification of the actual parcel of (forest) land allotted, and without fixing any boundaries. This means that the patta-holders will have to wander around searching for a suitable piece of (forest) land to occupy, and their right to remain on a piece of (forest) land will always be under question because survey and demarcation has not been done. For the concerned forest officers, also, the situation is fraught with anxiety, as they can be hauled up any day for allowing unauthorized occupation and felling of forest lands.

It is requested to issue strict directions that the plots of land should be located on the ground, boundaries surveyed and plotted on a map duly signed by the concerned authorities, and Tribal Deptt. To give funds for erecting boundary pillars whose GPS readings should be recorded and entered in revenue and forest department records and on the patta. Where scattered plots of land have been occupied throughout a tract of forest, they may be brought to one corner of the forest to avoid honeycombing and subsequent fragmentation.

The compliance of the action may kindly be intimated to MoEF for needful action.

Yours faithfully,

Sd/-

(A.M. Singh)

DIGF (FP)

Copy to:-

PCCFs of all the States for verification & comments.

**Arbind Kumar Chugh**

**Tele: 23381652**

**Fax: 23073160**

**Secretary to the Government of India**

**Ministry of tribal Affairs**

**Shastri Bhawan, New Delhi – 110 001**

**Website: [www.tribal.gov.in](http://www.tribal.gov.in)**

**D.O. No. 17014/11/2010-FRA**

**20<sup>th</sup> January, 2011**

Dear Bijay,

As you are aware, Section 3(2) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006 provides for diversion of forest land for certain Government managed facilities. In this regard, vide letter No.23011/15/2008-SG.II dated 18<sup>th</sup> May, 2009, this Ministry has issued detailed guidelines and procedure, including the time lines, to be followed while processing the cases for diversion of forest land.

2. It has been brought to the notice of this Ministry in a review meeting that the prescribed time lines are not being followed and delays are occurring in processing these cases. I am to request you to issue strict instructions to all officials who are required to process such diversion requests, under the prescribed procedure, to strictly adhere to time lines. I shall also be grateful if the requests for diversion of forest land are monitored regularly by Deputy Commissioners, District Forest Officers / Conservator of Forest and other higher tiers of the related departments and that these are also reviewed by the State Level Monitoring Committee headed by you. I am also to request you to let us know the number of cases in which the prescribed time limit was not adhered to.

*Shri Bijoy Kumar Patnayak,*

*Chief Secretary,*

*Government of Orissa,*

*Bhubaneswar.*

Yours sincerely,

**Sd/-**

**(A.K. Chugh)**

No. 17014/02/2007-PC&V(Vol. VII)(Pt.)

Government of India  
Ministry of Tribal Affairs

Shastri Bhawan, New Delhi

May, 5, 2011

To

The Special Secretary,  
S.T & S.C Development Department  
Government of Orissa  
Bhubaneswar.

[Kind attention: Shri Vinod Kumar]

**Subject: The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 – clarification on certain issues.**

Sir,

I am directed to refer to your Chief Secretary, Government of Orissa's letter No. TD-II-32/08-40490/CS(STSC), dated 21.10.2010 on the above subject and to say that issues raised therein have been examined in this Ministry and are clarified as under:

Sl. No.	Issues	Clarification
1.	Need for fixing a time limit for filling and deciding the claims under the Forest Rights Act, 2006 to enable issue of a certificate as required by the Ministry of Environment & Forests' circular No. 11-9/1998-FC(pt.) dated 3.8.2009, which calls for a number of evidences from the State Governments for formulating unconditional proposals under the Forest (Conservation) Act, 1980, as in the absence of a cut-off date for claiming forest rights for the forest areas of the State, such a certificate can never be given and no forest diversion proposal can be formulated.	<p>➤ As per Rule 11(a) of the Rules notified by this Ministry on 1.1.2008 for implementing the provisions of the Act, the Gram Sabhas shall call for claims and authorize the Forest Rights Committee to accept the claims in the Form as provided in Annexure – I of the Rules and such claims shall be made within a period of three months from the date of such calling of claims along with at least two of the evidences mentioned in rule 13, provided that the Gram Sabha may, if consider necessary, extend such period of three months after recording the reasons thereof in writing.</p> <p>➤ The Scheduled Tribes and Other</p>

		<p>Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 does not prescribe any time limit for deciding a filed claim.</p> <p>➤ The act is being implemented by the State / UT Governments. They are requested to implement the Act in letter and spirit in a timely manner.</p>
2.	<p>In cases where Gram Sabha has not completed the process by fixing a date and initiating a process of determination of its community forest resources, as required under Rule 11(b) of the Forest Rights Rules, 2008, does it mean that no forest diversion proposal can be formulated for the said forest area in view of the requirements under MoEF circular dated 03.08.2009 or should any other authority asked the Gram Sabha to fix a date, initiate and complete the process.</p>	<p>➤ In cases where Gram Sabha has not completed the process by fixing a date for initiating the process of determination of its community forest resources, as required under Rule 11(b) of the Forest Rights Rules, 2008, then the SLMC can give directions to such Gram Sabhas to initiate the process in accordance with the law.</p>
3.	<p>Validity and applicability of MoEF circular dated 03.08.2009, requiring submission of a letter from each of the concerned Gram Sabhas about completion of all formalities / processes under the FRA and their consent for the diversion of forest land for non-forest purposes, considering that the FRA does not provide for any such mandatory provision for completion of the process under the FRA or consent of Gram Sabha before diversion of any forest land under Forest (Conservation) Act, 1980.</p>	<p>➤ The requirements under circular dated 03.08.2009 of Ministry of Environment &amp; Forests have been decided by Ministry of Environment &amp; Forests keeping in view of their information needs for deciding a case for use of forest land for non-forestry purpose.</p>

**Yours faithfully,**

Sd/-

**[A.K. Srivastava]**

**Director**

**Tel: 23387444**

No. 23011/28/2008-SG-II(FRA)

Government of India  
Ministry of Tribal Affairs

Shastri Bhawan, New Delhi

Dated: 1.9.2011

To  
Santosh Sarangi  
Commissioner-cum-Secretary,  
S.T & S.C Development Department,  
Government of Orissa,  
Bhubaneswar.

[Kind attention: Shri Vinod Kumar]

**Subject: The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 – clarification on certain issues.**

Sir,

I am directed to refer to Chief Secretary, Government of Orissa's letter No. TD-II-32/08-40490/CS(STSC), dated 21.10.2010 on the above subject and to say that issues raised therein have been examined in this Ministry in consultation with the M/o Environment & Forests, M/o Panchayati Raj and M/o Law & Justice and are clarified as under:-

Sl. No.	Issues	Clarification
1.	<p>In cases where there are no villages inside Reserve Forest areas or un-surveyed forest areas, but the Scheduled Tribes / OTFD, irrespective of where they stay, graze their cattle, or claim to collect MFP etc, then which Gram Sabha and at what distance from the concerned forest land should initiate action for settling the community rights of ST / OTFDs in such forest areas which are beyond the limits of a village boundary.</p> <p>Also, in the case of forest diversion proposal, which Gram Sabha, at what distance from the concerned forest land</p>	<p>➤ In such cases, the claimants have to file their claims for community forest rights before the concerned Gram Sabha of which they are the members.</p> <p>➤ To decide the claims the procedure laid down in Rule 12 and particularly Rule 12(3) of the Forest Rights Rules, 2008, would need to be followed.</p> <p>➤ Further, in the case of a forest diversion proposal in a situation of this type, the certificated as required under the circular issued by MoEF on 03.08.2009 will need to be taken from all the concerned Gram Sabhas to which of such a forest area is common.</p> <p>➤ The Forest Rights Act, 2006 has been enacted for conferment of defined forest</p>

<p>should initiate action to enable the State Government to issue a certificate as required under a circular issued by MoEF on 3.8.2009 that the proposal for diversion of forest land has been placed before each Gram Sabha of forest dwellers under the FRA. Since, individual or community rights conferred under Section 4(4) of FRA, 2006 are heritable, but not alienable or transferable, whether after vesting of forest rights of STs and OTFDs on a particular forest areas, can the same forest area be diverted for non-forest use for developmental project or not under the Forest (Conservation) Act, 1980. If diversion of such forest land is permissible, whether the vested forest rights need to be compensated for and if 'yes' how? Is there any norm to compensate such forest rights? Can the forest rights be suspended, acquired or taken away by the State if situation demands?</p>	<p>rights, prescribing the procedure to be followed while conferring such rights and matters incidental to and connected therewith.</p> <p>➤ The Forest Rights Act, 2006 does not deal with the issue relating to diversion of forest land for non-forest use after vesting of forest rights of FDSTs and OTFDs.</p>
--	--

Yours faithfully,  
Sd/-  
**[A.K. Srivastava]**  
**Director**  
**Tel: 23387444**



24<sup>th</sup> May, 2012

Dear Hon'ble Chief Minister,

I am writing this to bring to your attention the problems arising in implementation of the Scheduled Tribes and Other Forest Dwellers (Recognition of Forest Rights) Act, 2006.

2. In 2006, Parliament unanimously passed the historic 'The Scheduled Tribes and Other Forest Dwellers (Recognition of Forest Rights) Act'. This watershed legislation has been enacted with the laudable objective to remedy the historical injustice done to the Tribals/Adivasis' and other forest dwelling citizens of our country. However, its implementation continues to suffer from many problems, as a result of which the majority of forest dwellers are not receiving their rights. This landmark legislation lamentably hasn't as such benefitted majority of forest dwellers and tribals even after lapse of more than five years of enactment of the Forest Rights Act. This goes against our professed adherence to rule of law.

3. In particular, rejection rates for claims for rights are still very high, and rejected claimants are not informed about the reasons for rejection or given an opportunity to appeal against the rejection. Where land rights are recognized, the area for which title is issued is often a fraction of the area that people are actually entitled to. Recognition of community rights, such as rights to minor forest produce, grazing areas, water bodies, habitats of Primitive Tribal Groups/pre-agricultural communities, pastoralists' routes etc. are very low. There have also been very few cases where the crucial right of forest dwelling communities to protect and manage their forests has been recognized or respected (and in some cases illegal conditions have been imposed on this right). As a result, large numbers of forest dwellers are facing eviction or harassment by forest authorities. Large numbers of them have also been illegally displaced from forest land without respect for their rights or due process of law.

4. The Ministry of Tribal Affairs is the nodal agency for the implementation of this law. From the experience of more than three years of implementation, we have identified certain procedural lacunae that have led to these problems. I wish to draw your attention to some steps that can be taken to address these lacunae. These are in the annexed note on "Steps for Better Implementation." The Ministry is also seeking to incorporate these points into Rules or directions under the Act.

5. I hope that these points will be taken into account by the State Government when implementing this law. If a clear signal is given to implementing authorities that all rights of forest dwellers must be adhered to and that the democratic process under this law must be respected, the forest dwellers of this country may finally find succor and could actually lay claim to their rights.

With regards,

Yours sincerely,

Sd/-

(V. KISHORE CHANDRA DEO)

**Prof. Prem Kumar Dhumal**  
Chief Minister of Himachal Pradesh  
R. No. 101 E, Himachal Pradesh Government Secretariat  
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Himachal Pradesh

**Shri Neiphiu Rlo,**  
Chief Minister of Nagaland,  
Kohima,  
Nagaland.

**Shri Pu Lalthanhawla,**  
Chief Minister of Mizoram,  
Aizawl,  
Mizoram.

**Shri Okram Ibobi Singh,**  
Chief Minister of Manipur,  
Imphal,

Manipur.

**Shri Tarun Gogoi,**  
Chief Minister of Assam,  
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**Dr. Mukul Sangma,**  
Chief Minister of Meghalaya,  
Shillong,  
Meghalaya,

**Shri R. Raman Singh,**  
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**Shri Shivraj Singh Chouhan,**  
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Mantralaya,  
Vallabh Bhawan,  
Bhopal.

**Shri Prithviraj Chavan,**  
Chief Minister of Maharashtra  
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**Shri Naveen Patnaik,**  
Chief Minister of Odisha,  
Odisha Secretariat,  
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**Shri Vijay Bahuguna,**  
Chief Minister of Uttarakhand,  
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Uttarakhand.

**Shri Manik Sarkar,**  
Chief Minister of Tripura,

Agartala,  
Tripura.

**Shri Nabum Tuki,**  
Chief Minister of Arunachal Pradesh,  
Itanagar,  
Arunachal Pradesh.

**Shri Oommen Chandy,**  
Chief Minister of Kerala,  
North Block,  
Government Secretariat,  
Thiruvananthapuram,  
Kerala.

**Shri D.V. Sadnanda Gowda,**  
Chief Minister of Karnataka,  
Vidhana Soudha,  
Bangalore - 560001,  
Karnataka.

**Selvi J Jayalithaa,**  
Chief Minister of Tamil Nadu,  
Chief Minister's Office,  
Secretariat,  
Chennai - 600009.

**Shri N. Kiran Kumar Reddy,**  
Chief Minister of Andhra Pradesh,  
C Block, 6<sup>th</sup> Floor, AP Secretariat,  
Hyderabad,  
Andhra Pradesh.

## ANNEXURE

### Areas of Concern and Suggested Actions

- ▲ There continues to be a lack of public awareness about this Act. Many people – particularly those who are non-ST “other traditional forest dwellers” – are being prevented from filing claims for rights. Therefore, fresh awareness raising campaigns could be initiated at all levels, including in villages; all forest areas and forest dependent communities should be covered; and extraneous evidence requirements should not be imposed on claimants who can produce admissible evidence of their eligibility or that of their community.
- ▲ The Act lays stress on a democratic process rooted in the gram sabhas. For this purpose the Act provides flexibility for the gram sabha to be called at the level of the actual settlement / hamlet (as is required in Fifth Schedule areas in any case). However, the gram sabhas for this Act have mostly been called at the larger level of the panchayat. Such gram sabhas may include multiple villages and be too large; they cannot claim for or exercise village community rights and it is very difficult for the quorum requirement to be met. Therefore, the State government may consider asking each panchayat to provide a list of actual villages within its boundaries, as well as permitting such villages to constitute themselves as gram sabhas through passage of a resolution. These should then be the units of implementation, which can be re-initiated on this basis, particularly for the recognition of community forest rights. Rights already recorded need not be disturbed.
- ▲ Claims have been rejected for incorrect reasons, often on the basis of official records (such as “encroacher lists” of the Forest Department) alone, when the purpose of this Act was to remedy the shortcomings of these records. All forms of evidence listed in the Rules to the Act are admissible. No claim accompanied by admissible evidence should be rejected on the basis of official records alone.
- ▲ The higher committees under the Act (the Sub-Divisional and District Level Committees) are often modifying and rejecting claims without hearing or even informing the claimants. To avoid this situation, when there is an objection to a claim which has been approved the gram sabha and has admissible evidence, the objecting agency can be required to appeal. The appellant and the claimant must then both be heard before deciding the claim. Incomplete claims can be remanded for reconsideration rather than being rejected outright.
- ▲ Gram sabha meetings for the Forest Rights Act, and especially for critical decisions such as diversion of forest land, should be videotaped and the videos made publicly accessible. This will ensure transparency and reduce manipulation and disputes.
- ▲ In many areas tribals and forest dwellers still face harassment and threats of eviction, forced relocation or displacement in violation of the Forest Rights Act. Action should be taken against all officials who try to harass or illegally evict forest dwellers prior to the recording of their rights, or in violation of those rights. The provisions of this law and relevant orders (in particular the Environment Ministry's July 30th, 2009 order on diversion of forest land) should be strictly followed. Relocation from tiger reserves and protected areas must follow section 4(2) of the Act; currently some tiger and wildlife habitats are being demarcated in violation of law and people are being asked to move without full compliance with all requirements.
- ▲ Rights to own, collect, use and dispose of minor forest produce have not been recognised or have faced incorrect restrictions in many areas. It should be clarified that forest dwellers have rights over any form of minor forest produce (as defined in the Act), in all forest and protected areas, and that this includes the right to ownership and sale.
- ▲ The Act took a key step forward in empowering communities to legally protect and manage forests. However this has largely either not been implemented or been mis-implemented; conditions have been imposed or rights have been vested in other bodies (such as Joint Forest Management committees). Officials should be instructed to respect the decisions of communities on forest protection (as provided in section 5 of the Act) and to ensure proactive recognition of community forest resource management rights within customary boundaries. Forest officials should be mandated to comply with these provisions.
- ▲ Conversion of forest villages to revenue villages is required by the Act, but is hardly being carried out. This should be carried out prior to recognition of individual rights in these villages and should include common areas and areas for basic facilities.
- ▲ Other community rights, such as use of and access to grazing areas by settled and nomadic communities, access to water bodies, habitats of primitive tribal groups, etc. have also not been widely recognised. These should now be proactively recognised and steps taken to remove procedural obstacles imposed on their recognition.

**Some of the important issues raised by the States relating to the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 and the clarifications given thereto.**

Sl. No.	Issue	Clarification
(i)	Implications of the phrase "primarily reside in and who depend on the forests or forest lands for bona fide livelihood needs" appearing in Section 2(c) and 2(o) of the Act.	The implication of using the word 'primarily' is to include the Scheduled Tribes and other Traditional Forest Dwellers who have either habitation, or patches of land for self-cultivation for livelihood, and would, therefore, be primarily spending most of their time either in temporary make shift structures or working on patches of land in such areas irrespective of whether their dwelling houses are outside the forest or forest land. Therefore, such Scheduled Tribes and other Traditional Forest Dwellers who are not necessarily residing inside the forest but are depending on the forest for their bona fide livelihood needs would be covered under the definition of "forest dwelling Scheduled Tribes" and "other traditional forest dweller" as given in Sections 2(c) and 2(o) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006. [MoTA's letter No.17014/02/2007-PC&V (Vol.II) dated 9th June, 2008, addressed to all States/ UTs, except J&K]
(ii)	Constitution of various Committees under the Act in Jharkhand where the Panchayat elections had not been held.	In the absence of Panchayati Raj Institution in the State of Jharkhand, the State Government was directed to arrange meetings of the Gram Sabhas and ensure representation in the Sub-Divisional Level Committees, District Level Committees and the State Level Committees in consultation with the Department of Panchayati Raj and the Nodal Department of State Government on Forest Rights Act. [MoTA's letter No. 17014/02/2007-PC&V (Vol.VII) (pt) dated 9th July, 2008, addressed to Government of Jharkhand]
(iii)	Consideration of the revenue land under the occupation of forest dwelling Scheduled Tribes and other traditional forest dwellers for determining the limit of an area of 4 hectares of forest land for habitation or for self-cultivation, referred to in Section 4(c) of the Act.	The term "forest land" is defined in section 2(d) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 and the said definition does not include revenue land. Therefore, the revenue land under the occupation of forest dwelling Scheduled Tribes and other traditional forest dwellers is not to be taken into account for determining the limit of an area of 4 hectares of forest land for habitation or for self-cultivation, referred to in Section 4(6) of the Act. The area of encroachment of forest land shall, however, be included in the limit of 4 hectares, prescribed in section 4(6) of the Act

		<p>However, section 3(1)(a) of the Act refers to “the right to hold and live in the forest land under the individual or common occupation for habitation or for self-cultivation for <b>livelihood</b> .....”, while rule 2(1) (b) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2008 notified on 1.1.2008 defines “bona fide livelihood needs” as “fulfillment of sustenance need of self and family .....”. As the basic objective of the Act is <b>to provide livelihood means</b> to forest dwelling Scheduled Tribes and other traditional forest dwellers, the livelihood aspect also needs to be kept in view, while considering the maximum limit of an area of 4 hectares of forest land for recognition and vesting of forest rights. If the forest dwellers do not primarily reside on the forest land in their occupation and depend on the revenue land or the area of regularized encroachment of forest land for their bona fide livelihood needs, then they should not get title to the forest land in occupation.</p> <p>[MoTA’s letter No. 23011/28/2008-SG-II dated 3.12.2008, addressed to Government of Gujarat]</p>
(iv)	<p>Since 3 months time has been provided under Rule 11(a) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2008 for filing the claims, whether the Gram Sabha can consider the clear cases immediately or the Gram Sabha has to consider the cases only after the expiry of 3 months period.</p>	<p>The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2008 provide that the Gram Sabha shall call for the claims and authorize the Forest Rights Committee to accept the claims. Such claims are to be made within a period of three months from the date of such calling of the claims. The period of three months for filing the claims is thus to be reckoned from the date of calling of claims after the constitution of the Forest Rights Committee. Gram Sabhas can consider undisputed cases provided the procedure as laid down in the Rule has been followed.</p> <p>[MoTA’s letter No. 23011/28/2008-SG-II dated 3.12.2008, addressed to all State/ UT Governments except J&amp;K, Harayana, Nagaland and Lakshadweep]</p>
(v)	<p>Whether the forest villages can be converted into revenue villages by an administrative decision and whether claims have to be filed for the same</p>	<p>The State Government can convert the forest villages into revenue villages as per the guidelines issued by the Ministry of Environment &amp; Forests, vide their letter No.13-1/90/FP(5) dated 18.9.1990. Action for conversion of such forest villages into</p>

	before the Gram Sabha.	<p>revenue villages can also be taken by the State Government when the forest dwelling Scheduled Tribes and other traditional forest dwellers file their claims for recognition of this right before the Gram Sabha, to be ultimately decided upon by the District Level Committee.</p> <p>[MoTA's letter No. 23011/28/2008-SG-II dated 3.12.2008, addressed to Government of Madhya Pradesh]</p>
(vi)	Whether powers can be delegated to the Revenue Divisional Officer for signing the claimant rights Pass Books i.e. title deeds, instead of District Collector and whether facsimile signature of the District Collector could be permitted in the claimant rights Pass Books i.e. title deeds.	<p>As per Annexure-II &amp; III of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2008, the title for forest land and community forest rights are to be signed by the District Collector/ Deputy Commissioner. Therefore, this power can not be delegated to the Revenue Divisional Officers. The facsimile signature of the District Collector can also not be permitted on the title deeds.</p> <p>[MoTA's letter No. 23011/28/2008-SG-II dated 3.12.2008, addressed to Government of Andhra Pradesh]</p>
(vii)	Whether the Principal Secretary of the Autonomous Councils in certain districts in the States governed under the provisions of the Sixth Schedule to the Constitution of India can be made the Chairperson of the SDLCs and DLCs under the Act.	<p>As per the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2008, Sub-Divisional Level Committees and the District Level Committees are to be headed by Sub-Divisional Level Officers or equivalent officers and District Collector or Deputy Commissioner respectively. During the review meeting of the State Secretaries/ Commissioners of Tribal Welfare held on 11.11.2008, it was informed that SDOs and District Magistrates were available in the six districts of the State, which were under the Sixth Schedule provision.</p> <p>Therefore, the District Level Committees and Sub Divisional Level Committees have to be constituted as per the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2008 even if the forest and land revenue matters are managed by the Council authorities. These Rules do not provide for making the Principal Secretary of the Autonomous Councils as the Chairperson of these Committees.</p> <p>[MoTA's letter No. 23011/28/2008-SG-II dated 3.12.2008, addressed to Government of Assam]</p>

<p>(viii)</p>	<p>Definition of the term "State Government" in relation to the Union Territories with reference to the Act.</p>	<p>The expression the "State Government" has not been defined either in the Act or in the Rules. Section 3 of the General Clauses Act, 1897 provides that the definitions given therein shall apply to this Act, and in all Central Acts and Regulations made after the commencement of this Act. These definitions are intended for a proper interpretation of all Central Acts made after the commencement of this Act and are subject to any context being repugnant. Clause (60) of section 3 defines the "State Government" as under:</p> <p>'(a) as respects anything done before the commencement of the Constitution, shall mean, in a Part A State, the Provincial Government of the corresponding Province in a Part B State, the authority or person authorized at the relevant date to exercise executive Government in the corresponding acceding State and in a Part C State, the Central Government;</p> <p>(b) as respects anything done after the commencement of the Constitution and before the commencement of the Constitution (Seventh Amendment) Act, 1956, shall mean, in a Part A State, the Governor in a Part B State, the Rajpramukh, and in a Part C State, the Central Government;</p> <p>(c) as respects anything done or to be done after the commencement of the Constitution (Seventh Amendment) Act, 1956, shall mean, in a State, the Governor, and in a Union territory, the Central Government; and shall, in relation to functions entrusted under Article 258-A of the Constitution of the Government of India, include the Central Government acting within the scope of the authority given to it under the Article.'</p> <p>In the light of the above legal position, the expression the "State Government" used in the Act and the Rules shall mean the "Central Government" in so far as the Union Territory of Daman &amp; Diu is concerned. Therefore, the functions and powers of the State Government under the Act may be validly exercised by the Central Government in this Union Territory.</p> <p>[MoTA's letter No. 17014/02/2007-PC&amp;V (Vol.VII) (pt.) dated 9.1.2009, addressed to Administration of Daman &amp; Diu]</p>
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(ix)	<p>Tribals in some settlements are demanding that land under cultivation should be assigned in their common name. Whether this is permissible as per the Act? If yes, then is the ceiling of 4 hectares applicable on the communal allotment of land, or is the applicable ceiling 4 hectares x no. of families? i.e. can 100 acres under common cultivation be so assigned to a community with 40 families in the Form at Annexure II of the Rules?</p>	<p>Section 3(1)(a) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 recognises the right to hold and live in the forest land under the individual or common occupation for habitation or for self-cultivation for livelihood by a member or members of a forest dwelling Scheduled Tribe or other traditional forest dwellers. The said Section, thus, permits the recognition and vesting of the right over the forest land under common occupation for cultivation in the name of a community of tribals. However, in view of the provisions of Section 4(6) of the Act, such forest land under the occupation of the community of tribals shall be restricted to the area under actual occupation and shall in no case exceed an area of four hectares.</p> <p>[MoTA's letter No. 23011/28/2008-SG-II dated 15.1.2009, addressed to Government of Kerala]</p>
(x)	<p>How is the Annexure II Title to be assigned to a couple who are married intercaste?</p>	<p>Section 4(4) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 inter alia provides that a forest right conferred under the Act shall be heritable but not alienable or transferable and shall be registered jointly in the name 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 and in the absence of a direct heir, the heritable right shall pass on to the next-of-kin. There is no bar in the Act to the registration of the forest right conferred under the Act jointly in the name of both the spouses who are married inter-caste, provided the applicant is an ST or if not an ST, fulfils the criteria for a traditional forest dweller.</p> <p>[MoTA's letter No. 23011/28/2008-SG-II dated 15.1.2009, addressed to Government of Kerala]</p>
(xi)	<p>There are cases of tribals from Kerala requiring regularization of their rights under the Act in the forests of Karnataka, and vice versa. There could be similar cases with Tamil Nadu also. How is this to be tackled?</p>	<p>Section 4(1) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 recognises and vests forest rights in (a) forest dwelling Scheduled Tribes in States or areas in States where they are declared as Scheduled Tribes, and (b) the other traditional forest dwellers. The terms "forest dwelling Scheduled Tribes" and "other traditional forest dweller" are defined in Sections 2(c) and 2(o) of the Act.</p>

		<p>Further, Section 4(3) read with section 4(6) of the Act requires that the following two conditions should be satisfied for recognition and vesting of forest rights in the forest dwelling Scheduled Tribes and other traditional forest dwellers in respect of forest land and their habitat:</p> <p>(i) they had occupied forest land before the 13th day of December, 2005; and</p> <p>(ii) they were in occupation of such land on the date of commencement of the Act, i.e., 31.12.2007.</p> <p>The Scheduled Tribe status is State-specific and the forest dwelling Scheduled Tribes in Kerala would not carry their Scheduled Tribe status in Karnataka and vice versa. As all the conditions prescribed in Sections 2(c), 4(1)(a), 4(3) read with Section 4(6) of the Act would not be satisfied in the case of forest dwelling Scheduled Tribes in Kerala claiming recognition of forest rights in the forests of Karnataka, they would not be eligible for recognition and vesting of forest rights under the Act in the forests of Karnataka, and vice versa.</p> <p>Most important, the recognition of rights and the processing thereof has to be initiated by the concerned Gram Sabhas. The Gram Sabhas of one State cannot recommend the claims for recognition of forest rights over forest land in another State.</p> <p>[MoTA's letter No. 23011/28/2008-SG-II dated 15.1.2009, addressed to Government of Kerala]</p>
(xii)	<p>Relaxation of the quorum of two-thirds of all members of the Gram Sabha for the meeting of the Gram Sabha in Rule 4(2) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2008.</p>	<p>The provision for the quorum of two-thirds of all members of the Gram Sabha for the meeting of the Gram Sabha in Rule 4(2) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2008 has been made with a view to ensure true representation of all the members of the Gram Sabha in such meetings so that the decisions taken therein are impartial and cater to the real objective of the meeting. These Rules do not permit relaxation of this requirement of quorum.</p> <p>[MoTA's letter No. 23011/28/2008-SG-II dated 21.1.2009, addressed to Government of Kerala] &amp;</p> <p>[MoTA's letter No. 17014/02/2007-PC&amp;V (Vol-VII) (pt.) dated 4.3.2010, addressed to UT Administration of Daman &amp; Diu, Moti Daman]</p>

(xiii)	<p>Processing of the claims of the occupants of forest land in Municipal and Panchayat Areas of Korba district of Chhattisgarh.</p>	<p>The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 prescribes the Gram Sabha as the authority to initiate the process of determining the nature and extent of forest rights which are to be given to the forest dwelling Scheduled Tribes and other traditional forest dwellers. The term 'Gram Sabha' is defined in Section 2(g) of the Act and the term 'village', referred to in Section 2(g), is also defined in Section 2(p) of the Act. In case, the Municipal and Panchayat areas of Korba District of Chhattisgarh, which are having forest land, have Gram Sabhas within the meaning of Section 2(g) read with Section 2(p) of the Act, then the claims of the occupants of forest land in such areas for recognition and vesting of forest rights over the forest land under their occupation can be considered as per the procedure laid down in the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2008.</p> <p>In case these areas do not have Gram Sabhas within the meaning of Section 2(g) read with Section 2(p) of the Act, then the occupants of forest land in those areas would not be eligible for recognition and vesting of forest rights under the Act.</p> <p>[MoTA's letter No. 23011/28/2008-SG-II dated 21.1.2009, addressed to Government of Chhattisgarh]</p>
(xiv)	<p>Whether the cut off date of 13.12.2005 will be applicable for all forest dwelling Scheduled Tribes, irrespective of their State of origin, on migration from one State to another State.</p>	<p>The Scheduled Tribes of one State, on migration to another State, do not carry their ST status in the State of migration, unless they are notified as Scheduled Tribes in that State also. Therefore, the forest dwelling Scheduled Tribes who have migrated from another State to Orissa, would be eligible for recognition and vesting of forest rights under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 only if they are declared as Scheduled Tribes in the State of Orissa. Otherwise, they have to be treated as "other traditional forest dwellers" and will need to satisfy the condition of three generations of stay as on 13.12.2005 for recognition and vesting of forest rights under the Act and generation has been defined a period comprising twenty five years in Section 2(o) of the Act.</p> <p>[MoTA's DO letter No. 23011/28/2008-SG-II (FRA) dated 8.5.2009, addressed to Government of Orissa, Bhubaneswar]</p>

(xv)	<p>Whether a Committee other than the Forest Right Committee and comprising persons other than the members of the Gram Sabha can be formed for assisting the Gram Sabha in discharge of its functions relating to recognition and vesting of forest rights under the Act.</p>	<p>The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 and the Rules framed thereunder do not permit formation of any Committee other than the Forest Rights Committee for assisting the Gram Sabha in discharge of its functions relating to recognition and vesting of forest rights under the Act. Constitution of a Committee comprising persons other than the members of the Gram Sabha and assigning the role of initiating the process for determining the nature and extent of forest rights to such a Committee, as proposed by the State Government, would be a direct violation of the provisions of the Act and the Rules framed thereunder. Hence, the proposal of the State Government cannot be accepted.</p> <p>[MoTA's letter No. 23011/28/2008-SG-II (FRA) dated 31.8.2009, addressed to Government of West Bengal, Kolkata]</p>
(xvi)	<p>Whether a claimant under the Act who already owns some land other than forest land or when he is engaged in some occupation and is using the forest land under occupation for agriculture in addition to his occupation is to be considered eligible for recognition and vesting of forest rights under the Act?</p>	<p>As per Sections 2(c) and 2(o) of the Act, the eligibility of the forest dwelling Scheduled Tribes and other traditional forest dwellers for claiming forest rights depends upon the following factors: -</p> <ol style="list-style-type: none"> <li>(1) Primarily residing in the forests or forest lands;</li> <li>(2) Dependence on the forests or forest lands for bona fide livelihood needs (fulfillment of sustenance needs of self and family)</li> </ol> <p>This Ministry has clarified vide letter No.17014/02/2007-PC&amp;V(Vol.VII) dated 9.6.2008 that implication of using the word 'primarily' in Sections 2(c) and 2(o) of the Act is to include the Scheduled Tribes and other traditional forest dwellers who have either habitation, or patches of land for self-cultivation for livelihood, and would, therefore, be primarily spending most of their time either in temporary make shift structures or working on patches of land in such areas irrespective of whether their dwelling houses are outside the forest or forest land.</p> <p>Therefore, it is for the Gram Sabha to examine, based on the findings of the Forest Rights Committee, as to whether a claimant under the Act who already owns some land other than forest land or when he is engaged in some occupation and is</p>

		<p>using the forest land under occupation for agriculture in addition to his occupation needs forest land under his occupation for the sustenance of bona fide livelihood needs of self and family, before passing a resolution and forwarding the same to SDLC for enabling the SDLC/DLC to adjudicate on the claim.</p> <p>The Ministry of Law Justice (Department of Legal Affairs) is agreeable to the view that the Gram Sabha has to examine each case individually after taking into consideration all relevant factors including the findings of the Forest Rights Committee.</p> <p>[MoTA's letter No.17014/02/2007-PC&amp;V(Vol-VII)(pt.) dated 17.11.2009, addressed to Tribal Research &amp; Training Institute, Pune] and</p> <p>[MoTA's letter No. 17014/02/2007-PC&amp;V (Vol-VII) (pt.) dated 4.3.2010, addressed to Government of Jharkhand, Ranchi]</p>
(xvii)	<p>Whether the term "self cultivation" appearing in Section 3(1)(a) of the Act shall include the forest land under plough only, but also forest lands which are used in activities ancillary to cultivation, such as, for keeping cattle, for winnowing and for other practices that are related to post-harvest activities?</p>	<p>The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 is a welfare legislation. Keeping in view the spirit of this welfare legislation, if the agricultural operations take place adjacent to the place of actual cultivation, such operations and "self-cultivation" appearing in Section 3(1)(a) of the Act cannot be divorced. Each case has to be examined and decided individually by the Gram Sabha.</p> <p>[MoTA's letter No. 17014/02/2007-PC&amp;V (Vol-VII) (pt.) dated 17.11.2009, addressed to Tribal Research &amp; Training Institute, Pune]</p>
(xviii)	<p>Whether the quorum should not be at least 2/3rd (as against 1/3rd) as indicated in para 2.2(ix) of the procedure for seeking prior approval for diversion of forest land for non-forest purposes for certain facilities under Section 3(2) of the Act as circulated by the Ministry of Tribal Affairs on 18.5.2009 since the total number of members of the District Level</p>	<p>As per the procedure notified on 18.5.2009, the proposals for diversion of forest land for developmental projects specified in Section 3(2) of the Act are to be forwarded to the District Level Committee for a final decision only when the Divisional Forest Officer (DFO) concerned does not approve the proposal submitted by the User Agency through the Range Forest Officer (RFO). As per the said procedure, at least 1/3rd quorum of members of DLC is needed for taking a final decision in such cases.</p>

	<p>Committee as prescribed in Rule 7 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 framed under the Act are just 6?</p>	<p>It may be stated that DLC comprises the following members:</p> <ul style="list-style-type: none"> <li>(a) District Collector or Deputy Commissioner – Chairperson</li> <li>(b) Concerned Divisional Forest Officer or concerned Deputy Conservator of Forest – Member</li> <li>(c) 3 members of District Panchayat</li> <li>(d) An officer of the Tribal Welfare Department in charge of the district</li> </ul> <p>This Ministry has already clarified that the officer of the Tribal Welfare Department will be the Member Secretary of DLC. So, whenever the meeting of DLC is convened, the Chairperson and the Member Secretary would be present and at least one more member – either the concerned DFO / Dy. Conservator of Forests or Member of the District Panchayat – would also be attending the meeting. The possibility of only 2 out of 6 members of DLC deciding such cases is, thus, very remote. Since the process for providing the facilities under Section 3(2) of the Act is going on, it would not be desirable to change the provision relating to quorum at this juncture.</p> <p>[MoTA's letter No. 17014/02/2007-PC&amp;V (Vol-VII) (pt.) dated 17.11.2009, addressed to Tribal Research &amp; Training Institute, Pune]</p>
(xix)	<p>Whether a time limit should not be fixed for processing of cases under Section 3(2) of the Act as a one-time exercise considering the fact that by assigning the task of final decision making in respect of section 3(2) cases to the DLC, the DLC will continue to exist even after completion of the process of recognition of forest rights and the need for reconstitution of the Committee after every election of Panchayat body?</p>	<p>The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 and the Rules framed thereunder do not lay down any fixed tenure for the District Level Committees (DLC) constituted under the Act. The DLCs can continue to exist for considering the cases relating to the diversion of forest land under Section 3(2) of the Act that are referred to it by the DFO for final decision, even after the process of recognition of forest rights is completed under the Act. Such DLCs can be re-constituted if such re-constitution is so warranted on account of election of Panchayat bodies and nomination of new members from Panchayat Institutions.</p> <p>As regards the issue whether a time limit be fixed for processing of cases under 3(2) as a one time exercise, it may be stated that Section 3(2) of the Act does not prescribe a time limit for processing</p>

		<p>cases of diversion of forest land for the developmental activities specified in that Section. There is no bar in Section 3(2) of the Act for allowing diversion of forest land on more than one occasion for any of the development projects specified therein, as long as the forest land so diverted is less than one hectare in each case and such projects are recommended by the Gram Sabha. Hence, it is not advisable to fix a time limit for processing cases of diversion of forest land under the Act. The Ministry of Law Justice (Department of Legal Affairs) is also agreeable to the above views.</p> <p>[MoTA's letter No. 17014/02/2007-PC&amp;V (Vol-VII) (pt.) dated 17.11.2009, addressed to Tribal Research &amp; Training Institute, Pune]</p>
(xx)	<p>Whether the allotment of area indicated as upto one hectare in Section 3(2) of the Act is applicable to each developmental facility each time in the village or is it once only for all times to come?</p>	<p>As stated above, there is no bar in Section 3(2) of the Act for allowing diversion of forest land on more than one occasion for any of the development projects specified therein, as long as the forest land so diverted is less than one hectare in each case and such projects are recommended by the Gram Sabha.</p> <p>[MoTA's letter No. 17014/02/2007-PC&amp;V (Vol-VII) (pt.) dated 17.11.2009, addressed to Tribal Research &amp; Training Institute, Pune]</p>
(xxi)	<p>Whether a final date should be fixed for receiving claims for forest rights under the Act and a calendar drawn for disposal of the claims received upto the final date.</p>	<p>The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 does not prescribe any time limit for recognition and vesting of forest rights of the eligible claimants under the Act. As per Rule 11(a) of the Rules notified by this Ministry on 1.1.2008 for implementing the provisions of the Act, the Gram Sabhas shall call for claims and authorize the Forest Rights Committee to accept the claims in the Form as provided in Annexure-I of the rules and such claims shall be made within a period of three months from the date of such calling of claims along with at least two of the evidences mentioned in rule 13, provided that the Gram Sabha may, if consider necessary, extend such period of three months after recording the reasons thereof in writing.</p>

		[MoTA's letter No. 17014/02/2007-PC&V (Vol-VII) (pt.) dated 4.3.2010, addressed to Government of Rajasthan, Jaipur]
(xxii)	Whether the claims rejected by the District Level Committees can be re-investigated by the District Level Committees.	<p>The Rules notified by this Ministry on 1.1.2008 for implementing the provisions of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 lay down an elaborate procedure for recognition and vesting of forest rights under the Act. The Gram Sabhas, Sub-Divisional Level Committees and District Level Committees are required to scrutinize the claims filed for recognition of forest rights under the Act, in detail, as per the procedure laid down in the said Rules, before the District Level Committee takes a final decision on the claims.</p> <p>Claims rejected by DLCs cannot be reviewed but if the State feels that the rejections at earlier levels have been unduly large, then it can investigate the reasons and if it is due to an inadequate reading of the provisions of the Act and Rules, it can apply correctives. But, to repeat, cases finalized by DLCs cannot be re-opened.</p> <p>[MoTA's letter No. 17014/02/2007-PC&amp;V (Vol-VII) (pt.) dated 4.3.2010, addressed to Government of Madhya Pradesh, Bhopal]</p>
(xxiii)	Applicability of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 in Municipal Corporation Areas	<p>The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 prescribes the Gram Sabha as the authority to initiate the process of determining the nature and extent of the forest rights which are to be given to the forest dwelling Scheduled Tribes and other traditional forest dwellers. As per the Act and the Rules framed thereunder, the Sub-Divisional Level Committee has to examine the resolution passed by the Gram Sabha and prepare the records of forest rights and forward it through the Sub-Divisional Officer to the District Level Committee for a final decision on the record of forest rights.</p> <p>It has been stated in the letter of TR&amp;TI, Pune, that the Sub-Divisional Level Committee and the District Level Committee cannot be formed in the Municipal Corporation areas of the State as per the provisions of the Act. In view of this, the Act cannot be implemented in the concerned Municipal</p>



		<p>Corporation areas of the State.</p> <p>[MoTA's letter No. 17014/02/2007-PC&amp;V (Vol-VII) (pt.) dated 4.3.2010, addressed to Government of Maharashtra, Mumbai]</p>
(xxiv)	<p>Whether there is any deadline for submitting applications for recognition of forest rights under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.</p>	<p>There is no time limit for receiving applications. Processing of applications by Gram Sabhas have to be done as per Rules especially Rule- 11 (1)(a) proviso.</p> <p>[MoTA's DO letter No. 23011/24/2009-FRA dated 10.3.2010, addressed to Government of Tripura, Agartala]</p>
(xxv)	<p>(i) How the title of forest land issued to a forest right holder under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 would be transferred to his heir(s) in the event of the death of the title holder, considering the fact that the status of the land for which he was issued the title deed remained "forest land".</p> <p>(ii) What will be the inheritance provision? How the title will be divided in the event of more than one child?</p> <p>(iii) If the right holder applies for bank loan for agricultural purposes, whether the banks would provide loans?</p>	<p>(i) &amp; (ii): Section 4(4) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 provides that a forest right conferred under the Act shall be heritable but not alienable or transferable and shall be registered jointly in the name of both the spouses in case of married persons and in the name of the single head in the case of household headed by a single person and in the absence of a direct heir, the heritable right shall pass on to the next of kin. In the event of the death of the title holder, the title shall be transferred to his/her direct heir or shall be divided where there are more than one child, as per the provisions of the relevant inheritance law and the Land Tenure Act applicable to the State/UT concerned.</p> <p>(iii): In view of the provisions of Section 4(4) of Act, the rights recognised and vested on the forest land cannot be pledged with a bank for receiving a loan for agricultural operations, such as, land development, sourcing inputs like fertilizers, etc. The Ministry had examined this issue in consultation with the Ministry of Finance (Department of Financial Services), in the year 2007, who had then informed as under:</p> <p>"The loans upto Rs. 50,000/- have been made collateral and margin free. This also means that even without mortgaging of land by a Tribal farmer, he can avail loan upto 100% requirement of any agriculture or allied purpose including for land development upto the limit of Rs. 50,000/-. Besides, no "No Dues Certificate' is required for such amount of loan. Further, in order to overcome the</p>

		<p>problems faced by banks in lending to landless labourers, share-croppers and oral lessees due to the absence of documents verifying their identity and status, banks have been advised to accept certificates provided by local administration/Panchayati Raj institutions regarding cultivation of crops in case of loans to landless labourers, share-croppers and oral lessees. Besides, the Government has taken the following steps to ensure credit disbursement for agriculture purposes:-</p> <ul style="list-style-type: none"> <li>□ Short Term Crop loan upto 3 lakh is being disbursed @ 7% per annum at the ground level.</li> <li>□ Commercial Banks and Regional Rural Banks have been advised to finance 50 lakhs new farmers during each of the last three years.</li> <li>□ The Banks have been advised to simplify the procedure for documentation for agricultural loans.</li> <li>□ To bring the 'financially excluded' population within the formal banking system, Banks have been instructed to achieve financial outreach through provision of a General Credit Card to households, to open "No Frills" accounts with limited overdraft facilities, to extend financial outreach by utilizing services of Civil Society Organisation like Farmers Clubs, NGOs, Post Offices as Business Facilitator/Business Correspondent Model, etc."</li> </ul> <p>[MoTA's letter No. 17014/02/2007-PC&amp;V (Vol-VII) (pt.) dated 30.3.2010, addressed to Government of Madhya Pradesh, Bhopal]</p>
(xxvi)	Whether rubber cultivation should be allowed on forest land over which rights have been recognized.	Sections 2(c) and 2(o) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, which define the terms "forest dwelling Scheduled Tribes" and "other traditional forest dweller", clearly mention the conditions of "primarily residence in the forests or forest lands" and "dependence on the forests or forest lands for bona fide livelihood needs" for the forest dwelling Scheduled Tribes and other traditional forest dwellers to be eligible for claiming forest rights under the Act. Further, section 3(1)(a) of the Act also refers to "the right to hold and live in the forest land under the individual or common occupation for habitation or for self-cultivation for livelihood .....". Rule 2(1) (b) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2008 notified

		<p>on 1.1.2008 defines "bona fide livelihood needs" as "<u>fulfillment of sustenance need of self and family</u> .....</p> <p>In view of the above mentioned provisions of the Act and the Rules, the forest rights of the forest dwelling Scheduled Tribes and other traditional forest dwellers are to be recognized and vested over the forest land for fulfillment of their bona fide livelihood needs. Considering that rubber plantation is a commercial activity, this Ministry is of the view that the rubber cultivation should not be allowed on forest land over which the rights have been recognized under the Act.</p> <p>[MoTA's letter No. 17014/02/2007-PC&amp;V (Vol-VII) (pt.) dated 6.5.2010, addressed to Government of Tripura, Agartala]</p>
(xxvii)	<p>Whether the local bodies in the urban areas of a State having forest land can initiate the process of determining the nature and extent of individual and community forest rights to be given to the forest dwelling Scheduled Tribes and other traditional forest dwellers under Section 6 of the Act.</p>	<p>Section 6 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 prescribes the Gram Sabha as the authority to initiate the process of determining the nature and extent of forest rights which are to be given to the forest dwelling Scheduled Tribes and other traditional forest dwellers. The term 'Gram Sabha' is defined in Section 2(g) of the Act and the term 'village', referred to in Section 2(g), is also defined in Section 2(p) of the Act. The concerned Urban Areas of the State having forest land may not have Gram Sabhas within the meaning of Section 2(g) read with Section 2(p) of the Act. If so, the occupants of forest land in such Urban Areas would not be eligible for recognition and vesting of forest rights over the forest land under their occupation under the Act.</p> <p>[MoTA's letter No. 17014/02/2007-PC&amp;V (Vol-VII) (pt.) dated 6.5.2010, addressed to Government of Madhya Pradesh, Bhopal]</p>
(xxviii)	<p>Whether taungya cultivators of Uttar Pradesh who do not fulfill the condition of occupation of forest land for three generations (75 years) at one place in the forests prior to 13.12.2005 would be eligible for recognition of forest rights under the Act.</p>	<p>Under Section 4(3) read with section 4(6) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, the following two conditions are required to be satisfied for recognition and vesting of forest rights in the forest dwelling Scheduled Tribes and other traditional forest dwellers in respect of forest land and their habitat:</p>

		<p>(i) they had occupied forest land before the 13th day of December, 2005; and</p> <p>(ii) they were in occupation of such land on the date of commencement of the Act, i.e., 31.12.2007.</p> <p>In the case of the other traditional forest dwellers, the condition of at least three generations' stay (75 years) prior to the 13th day of December, 2005 is necessary.</p> <p>In the case of taungya cultivators of the State, if the above conditions are not satisfied, they would not be eligible for recognition of forest rights over forest land under their occupation under the Act.</p> <p>[MoTA's letter No. 17014/02/2007-PC&amp;V (Vol-VII) (pt.) dated 6.5.2010, addressed to Government of Uttar Pradesh, Lucknow]</p>
(xxix)	Whether the condition regarding three generations prescribed in Section 2(o) of the Act can be relaxed in the case of other traditional forest dwellers.	<p>The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 does not permit relaxation of the condition relating to three generations' residence prior to 13th day of December, 2005 in the case of "other traditional forest dwellers" for recognition and vesting of their forest rights under the Act. Hence, it is not possible to relax this condition.</p> <p>[MoTA's letter No. 17014/02/2007-PC&amp;V (Vol-VII) (pt.) dated 6.5.2010, addressed to Government of Maharashtra, Mumbai]</p>
(xxx)	Need for fixing a time limit for filing and deciding the claims under the Forest Rights Act, 2006 to enable issue of a certificate as required by the Ministry of Environment & Forests' circular No. 11-9/1998-FC(pt.) dated 3.8.2009, which calls for a number of evidences from the State Governments for formulating unconditional proposals under the Forest (Conservation) Act, 1980, as in the absence of a cut-off date for claiming forest rights for the	<p>As per Rule 11(a) of the Rules notified by this Ministry on 1.1.2008 for implementing the provisions of the Act, the Gram Sabhas shall call for claims and authorize the Forest Rights Committee to accept the claims in the Form as provided in Annexure-I of the Rules and such claims shall be made within a period of three months from the date of such calling of claims along with at least two of the evidences mentioned in rule 13, provided that the Gram Sabha may, if consider necessary, extend such period of three months after recording the reasons thereof in writing.</p> <p>□ The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act,</p>

	forest areas of the State, such a certificate can never be given and no forest diversion proposal can be formulated.	2006 does not prescribe any time limit for deciding a filed claim. □ The Act is being implemented by the State/ UT Governments. They are requested to implement the Act in letter and spirit in a timely manner.  [MoTA's letter No. 17014/02/2007-PC&V (Vol-VII) (pt.) dated 5.5.2011, addressed to Government of Orissa, Bhubaneswar]
(xxxii)	In cases where Gram Sabha has not completed the process by fixing a date and initiating a process of determination of its community forest resources, as required under Rule 11 (b) of the Forest Rights Rules, 2008, does it mean that no forest diversion proposal can be formulated for the said forest area in view of the requirements under MoEF circular dated 03.08.2009 or should any other authority asked the Gram Sabha to fix a date, initiate and complete the process.	In cases where Gram Sabha has not completed the process by fixing a date for initiating the process of determination of its community forest resources, as required under Rule 11 (b) of the Forest Rights Rules, 2008, then the SLMC can give directions to such Gram Sabhas to initiate the process in accordance with the law.  [MoTA's letter No. 17014/02/2007-PC&V (Vol-VII) (pt.) dated 5.5.2011, addressed to Government of Orissa, Bhubaneswar]
(xxxiii)	Validity and applicability of the MoEF circular dated 03.08.2009, requiring submission of a letter from each of the concerned Gram Sabhas about completion of all formalities/processes under the FRA and their consent for the diversion of forest land for non-forest purposes, considering that the FRA does not provide for any such mandatory provision for completion of the process under the FRA or consent of Gram Sabha before diversion of any forest land under Forest (Conservation) Act, 1980.	The requirements under circular dated 03.08.2009 of Ministry of Environment & Forests have been decided by Ministry of Environment & Forests keeping in view of their information needs for deciding a case for use of forest land for non-forestry purpose.  [MoTA's letter No. 17014/02/2007-PC&V (Vol-VII) (pt.) dated 5.5.2011, addressed to Government of Orissa, Bhubaneswar]
(xxxiiii)	The status of land over which the forest rights of the title holders have been vested under the FRA, 2006 and the need for designating a competent	The FRA, 2006 seeks to recognise and vest the forest rights and occupation in forest land in forest dwelling Scheduled Tribes and other traditional forest dwellers who have been residing in such forests for generations but whose rights could not

	authority and a procedure for administration of the said land.	be recorded. The forest rights specified in Section 3 of the Act are vested over forest land only. It is for the State Government to decide about the administration of the said land.  [MoTA's letter No. 17014/02/2007-PC&V (Vol-VII) (pt.) dated 5.5.2011, addressed to Government of Madhya Pradesh, Bhopal]
(xxxiv)	Procedure for nomination/demarcation and division of forest land amongst the heirs after the death of forest right holder(s).	The provisions of Section 4(4) of FRA are quite clear. In the event of death of the forest right holder(s), the heritable rights shall pass on to the heirs/ next-of-kin, as the case may be, as per the provisions of the relevant State laws.  [MoTA's letter No. 17014/02/2007-PC&V (Vol-VII) (pt.) dated 5.5.2011, addressed to Government of Madhya Pradesh, Bhopal]
(xxxv)	Procedure for action to be taken against a person who encroaches upon or indulges in illegal mining on the land of forest rights holders.	In such cases the forest right holder(s) and the State Government will have to initiate action under the relevant law.  [MoTA's letter No. 17014/02/2007-PC&V (Vol-VII) (pt.) dated 5.5.2011, addressed to Government of Madhya Pradesh, Bhopal]
(xxxvi)	Procedure for maintenance of the records of titles issued under the Forest Rights Act.	➤ Instructions have already been issued to the State Governments vide Secretary (TA)'s D.O. letter dated 20.07.2010 that the rights conferred under the Act are to be recorded in the appropriate manner following the settlements rules prescribed to each State. □ Further in this regard Rules 8 (f) and 8(g) of the Forest Rights Rules may also be referred to.  [MoTA's letter No. 17014/02/2007-PC&V (Vol-VII) (pt.) dated 5.5.2011, addressed to Government of Madhya Pradesh, Bhopal]
(xxxvii)	In case of community forest resource, who will be the claimant to file the community claim. In whose name(s), the community rights will be vested. In case of any dispute amongst the community members over the community rights so vested, how that dispute to be settled?	Rule 11 (1)(a) and (4) of the Forest Rights Rules lays down the procedure for filling, determination and verification of community claims by the Gram Sabha. All the claimants will have to sign the claim Form-B for community rights as given in Annexure-I contained in the Forest Rights Rules, 2008. Community rights vested under the Act would be in the name of all the claimants. In case of any dispute amongst the community rights so

		<p>vested, the same will have to be settled in accordance with the prevailing State laws in this regard.</p> <p>[MoTA's letter No. 17014/02/2007-PC&amp;V (Vol-VII) (pt.) dated 5.5.2011, addressed to Government of Rajasthan, Jaipur]</p>
(xxxviii)	<p>In cases where there are no villages inside Reserve Forest areas or unsurveyed forest areas, but the Scheduled Tribes/OTFD, irrespective of where they stay, graze their cattle, or claim to collect MFP etc, then which Gram Sabha and at what distance from the concerned forest land should initiate action for settling the community rights of ST/ OTFDs in such forest areas which are beyond the limits of a village boundary.</p> <p>Also, in the case of forest diversion proposal, which Gram Sabha, at what distance from the concerned forest land should initiate action to enable the State Government to issue a certificate as required under a circular issued by MoEF on 3.8.2009 that the proposal for diversion of forest land has been placed before each Gram Sabha of forest dwellers under the FRA.</p>	<p>➤ In such cases, the claimants have to file their claims for community forest rights before the concerned Gram Sabha of which they are the members.</p> <p>☐ To decide the claims the procedure laid down in Rule 12 and particularly Rule 12(3) of the Forest Rights Rules, 2008, would need to be followed.</p> <p>☐ Further, in the case of a forest diversion proposal in a situation of this type, the certificate as required under the circular issued by MoEF on 03.08.2009 will need to be taken from all the concerned Gram Sabhas to which of such a forest area is common.</p> <p>[MoTA's letter No. 23011/28/2008-SG-II(FRA) dated 1.9.2011, addressed to Government of Orissa, Bhubaneswar]</p>
(xxxix)	<p>Since, individual or community rights conferred under Section 4(4) of FRA, 2006 are heritable, but not alienable or transferable, whether after vesting of forest rights of STs and OTFDs on a particular forest areas, can the same forest area be diverted for non-forest use for developmental project or not under the Forest (Conservation) Act, 1980. If</p>	<p>➤ The Forest Rights Act, 2006 has been enacted for conferment of defined forest rights, prescribing the procedure to be followed while conferring such rights and matters incidental to and connected therewith.</p> <p>☐ The Forest Rights Act, 2006 does not deal with the issue relating to diversion of forest land for non-forest use after vesting of forest rights of FDSTs and OTFDs.</p>

	diversion of such forest land is permissible, whether the vested forest rights need to be compensated for and if 'yes' how? Is there any norm to compensate such forest rights? Can the forest rights be suspended, acquired or taken away by the State if situation demands?	[MoTA's letter No. 23011/28/2008-SG-II(FRA) dated 1.9.2011, addressed to Government of Orissa, Bhubaneswar]
(xxxx)	and vesting of forest rights and issue of title deeds, the entire land in question continues to be forest land which means that the provisions of the Indian Forest Act and the Forest Conservation Act will continue to apply to it. The land must be de-notified since it is hardly envisaged that the land will be taken back even for forestry purposes.	<p>➤ As per the Forest Rights Act, 2006, the forest rights specified in Section 3 of the Act are vested over forest land only. But the status of land as forest land does not change.</p> <p>☐ The Forest Rights Act, 2006, does not deal with de-notification of the forest land.</p> <p>[MoTA's letter No. 23011/28/2008-SG-II(FRA) dated 1.9.2011, addressed to Government of Madhya Pradesh, Bhopal]</p>
(xxxxi)	The Act or rules do not provide for the procedure for transfer of title deeds to legal heirs of the beneficiaries. This problem can be solved if the land is de-notified and normal Revenue Laws are begun to apply to it.	<p>➤ Section 4(4) of Forest Rights Act, 2006 already provides that in the absence of a direct heir, the heritable rights conferred by sub-section (1) of the Act shall pass on to the next-of-kin.</p> <p>☐ The State Governments may either use the existing mechanism available with them or prescribe a process for passing on the heritable rights to the next-of-kin in the absence of a direct heir of the forest right holder, as provided under Section 4(4) of the Act and format for recording and maintaining the same.</p> <p>[MoTA's letter No. 23011/28/2008-SG-II(FRA) dated 1.9.2011, addressed to Government of Madhya Pradesh, Bhopal]</p>

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श्री. किशोर चन्द्र देव  
V. KISHORE CHANDRA DEO



मंत्री  
जनजातीय कार्य एवं पंचायती राज,  
भारत सरकार  
राष्ट्रीय भवन, नई दिल्ली-110001  
MINISTER OF TRIBAL AFFAIRS  
AND PANCHAYATI RAJ  
GOVERNMENT OF INDIA  
SHASTRI BHAWAN, NEW DELHI-110001

18/48  
D.U. No. NIA/11/11/2012

28<sup>th</sup> June 2012

Dear Shri Naveen Patnaik Ji,

I am writing this to bring to your attention the problems being faced by the people of Jamguda, a remote tribal village located in Kalahandi District of Odisha.

2. The villagers of Jamguda are heavily dependent on Forest and Non Timber Forest Products (NFTP) for their subsistence and as a source of cash income. They collect minor forest products and these forest resources sustain them for major part of the year especially for landless families. Most importantly, NFTP and forest provides them food, fodder and employment. This forest comes under the Norla range of Kalahandi North Forest Division. In 2004, the Forest Department formed a Vana Samrakhsan Samiti (VSS) but due to apathetic attitude and functioning style of forest department, community participation in the entire process was restricted and villagers continue to protect and manage their forest by their own way which resulted in increase of bamboo regeneration. The villagers have direct dependence on bamboo for variety of uses. The villagers while collecting bamboos have to face a lot of harassment by forest officials.

3. In 2010, Jamguda village got the recognition of Community Forest Resources (CFR). The title of CFR has not been informed to the Gram Sabha till date by the District Administration. In February 2012, Gram Sabha decided to dissolve the VSS and manage the community forest resources areas independently by Gram Sabha. The villagers have an eagle's view on forest regularly and they observed large scale flowering of bamboo in their CFR areas. The villagers realized that if flowered bamboo were not harvested then it would get

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damage resulting in loss of precious bamboo resource in particular and livelihood of villagers in general. The Gram Sabha decided to harvest only the flowered bamboo clumps from CFR areas. The villagers have made contact to different buyers to sell the bamboo. The villagers have even identified 170 no. of bamboo bushes for harvesting and the approximate market value of these bamboos is more than one lakh rupees. In June 2012 the Gram Sabha informed Forest Range Officer, Norla the decision of Gram Sabha to harvest bamboo and applied to Divisional forest Officer to issue transit permit to Gram Sabha so that it can issue transit permit to buyers. In the absence of Divisional Forest Officer, concerned Assistant Conservator of Forest refused to issue transit permit to Gram Sabha stating that they have not got any circulars from State Government to issue transit permit to Gram Sabha. He further informed that villagers can harvest and use bamboo from CFR areas for their domestic use. Local buyers have shown interest to purchase bamboo from Gram Sabha at market price which comes to Rs 30/- per pole. But in the absence of transit permits, buyers can't transport bamboo from outside the Gram Sabha jurisdiction and there are also chances of losing bamboo worth Rs 1 lakh by Gram Sabha of Jamguda.

4. As you are aware, in 2006, Parliament unanimously passed the historic 'The Scheduled Tribes and Other Forest Dwellers (Recognition of Forest Rights) Act'. This watershed legislation has been enacted with the laudable objective to remedy the historical injustice done to the Tribals/Adivasis and other forest dwelling citizens of our country. However, its implementation continues to suffer from many problems, as a result of which the majority of forest dwellers are not receiving their rights. This goes against our professed adherence to rule of law. Recognition of community rights, such as rights to minor forest produce, grazing areas, water bodies, habitats of Primitive Tribal Groups/pre-agricultural communities, pastoralists' routes etc and crucial right of forest dwelling communities to protect and manage their forests has been recognized or respected (and in some cases illegal conditions have been imposed on this right). As a result, large numbers of forest dwellers are facing harassment by forest authorities.

5. Keeping in view the above facts, I request you to kindly issue necessary instructions to the concerned authorities to allow unfettered right of transit for sale of bamboo by Gram Panchayat to local buyers which is a right given to them under the FRA Act. If a clear signal is given to implementing authorities that all rights of forest dwellers must be adhered to and that the democratic process under this law must be respected, the forest dwellers of this country may finally find succor and could actually lay claim to their rights and earn livelihood.

*With warm regards,*

Yours sincerely,



(V. KISHORE CHANDRA DEO)

**Shri Naveen Patnaik**  
Chief Minister of Odisha  
Bhubaneswar  
Odisha

IMMEDIATE



No. 23011/32/2010-FRA [Vol.II (PL)]  
Government of India  
Ministry of Tribal Affairs

Shastri Bhawan, New Delhi  
Dated : 12<sup>th</sup> July, 2012

To

1. The Chief Secretaries of all State Governments  
(except Jammu & Kashmir, Punjab, Haryana and Delhi)
2. The Administrators of all Union Territories  
(except Lakshadweep)

**Subject: Implementation of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 - guidelines regarding.** ....

Sir,

As you are aware, the historic legislation "The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act" had been enacted in 2006 with the objective of remedying the historical injustice to the forest dwelling Scheduled Tribes and other traditional forest dwellers of the country. However, even after lapse of more than four years of its implementation, the Ministry has observed that the flow of intended benefits of this welfare legislation to the eligible forest dwellers remains constrained.

2. The Ministry has noticed several problems which are impeding the implementation of the Act in its letter and spirit, such as, convening of Gram Sabha meetings at the panchayat level in some cases, resulting in exclusion of smaller habitations, not formally part of any village; non-recognition of un-hindered absolute rights over the minor forest produce (MFP) to forest dwellers; imposition of several restrictions, like, transit permit for transportation of MFPs, levy of fees, charges, royalties on sale of MFPs; exclusion of certain types of MFPs, in contravention of the definition of MFP given in the Act; continuance of monopoly in the trade of MFP, especially in the case of high value MFP, such as, *lendu patla* by the Forest Corporations in many States; non-recognition of other community rights, such as, *nistar* rights, conversion of all forest villages, old habitations, un-surveyed villages and other villages in forests, whether recorded, notified or not into revenue villages; non-recognition of community forest resource

rights relating to protection, regeneration or conservation, or management of any community forest resources under Section 3(1)(i) of the Act; etc.

3. In many areas, the tribal people and other forest dwellers are reportedly facing harassment and threats of eviction from forest lands and forced relocation or displacement from the areas proposed for development projects without settlement of their rights or due compliance with safeguards in violation of the provisions of the Act. The claims are being rejected in some States as the officials are insisting on certain types of evidences and the new technology, such as, satellite imagery, is being used as the only form of evidence for consideration of a claim, instead of using the same to supplement the evidences submitted by the claimants in support of their claims. Inadequate public awareness about the provisions of the Act, particularly the provisions relating to the filing of petitions by the persons aggrieved by the decisions of the authorities prescribed under the Act, inadequate training of the implementing officials etc. are also some of the reasons for non-implementation of the Act in its letter and spirit.

4. In order to address the above concerns and to ensure effective implementation of the Act, the Ministry has undertaken an exercise to arrive at certain provisions/ steps which will facilitate robust implementation of the Act. Certain guidelines as indicated in the Annexure to this letter are accordingly being issued for compliance by all the State Governments/ UT Administrations. It is requested that the enclosed guidelines may be brought to the notice of all the implementing agencies in your State/UT for strict compliance. This Ministry may also kindly be apprised of the action taken for operationalising these guidelines at an early date.

5. This issues with the approval of competent authority.

Yours faithfully,

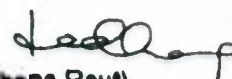
- Jd -

(Sadhana Rout)

Joint Secretary to the Government of India

Tele: 23363622

Copy also forwarded to State Principal Secretaries/Secretaries in-charge of Tribal Welfare/Development Departments for urgent necessary action.



(Sadhana Rout)

Joint Secretary to the Government of India

**Guidelines on the implementation of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006**

The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 seeks to recognize and vest the forest rights and occupation in forest land in forest dwelling Scheduled Tribes and other traditional forest dwellers who have been residing in such forests for generations but whose rights could not be recorded. The Act was notified for operation with effect from 31.12.2007 and the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2008 for implementing the provisions of the Act were notified on 1.1.2008.

Over a period of last four years of implementation of the Act, some problems impeding the implementation of the Act in its letter and spirit have come to the notice of the Ministry of Tribal Affairs, such as, convening of Gram Sabha meetings at the Panchayat level resulting in exclusion of smaller habitations not formally part of any village; non-recognition of un-hindered rights over the minor forest produce (MFP) to forest dwellers; non-recognition of other community rights; harassment and eviction of forest dwellers without settlement of their forest rights; rejection of claims by insisting on certain types of evidences, inadequate awareness about the provisions of the Act and the Rules etc.

In order to address the above concerns and with a view to ensure effective implementation of the Act, the following guidelines are issued on various aspects of implementation of the Act for compliance by all the State Governments/UT Administrations:

**i) Process of Recognition of Rights:**

(a) The State Governments should ensure that on receipt of intimation from the Forest Rights Committee, the officials of the Forest and Revenue Departments remain present during the verification of the claims and the evidence on the site.

b) In the event of modification or rejection of a claim by the Gram Sabha or by the Sub-Divisional Level Committee or the District Level Committee, the decision on the claim should be communicated to the claimant to enable the aggrieved person to prefer a petition to the Sub-Divisional Level Committee or the District Level Committee, as the case may be, within the sixty days period prescribed under the Act and no such petition should be disposed of against the aggrieved person, unless he has been given a reasonable opportunity to present his case.

c) The Sub-Divisional Level Committee or the District Level Committee should, if deemed necessary, remand the claim to the Gram Sabha for reconsideration instead of rejecting or modifying the same, in case the

resolution or the recommendation of the Gram Sabha is found to be incomplete or prima-facie requires additional examination.

- d) In cases where the resolution passed by the Gram Sabha, recommending a claim, is upheld by Sub-Divisional Level Committee, but the same is not approved by the District Level Committee, the District Level Committee should record the reasons for not accepting the recommendations of the Gram Sabha and the Sub-Divisional Level Committee, in writing, and a copy of the order should be supplied to the claimant.
- e) On completion of the process of settlement of rights and issue of titles as specified in Annexures II, III & IV of the Rules, the Revenue / Forest Departments shall prepare a final map of the forest land so vested and the concerned authorities shall incorporate the forest rights so vested in the revenue and forest records, as the case may be, within the prescribed cycle of record updation.
- f) All decisions of the Sub-Divisional Level Committee and District Level Committee that involve modification or rejection of a Gram Sabha resolution/ recommendation should be in the form of speaking orders.
- g) The Sub-Divisional Level Committee or the District Level Committee should not reject any claim accompanied by any two forms of evidences, specified in Rule 13, and recommended by the Gram Sabha, without giving reasons in writing and should not insist upon any particular form of evidence for consideration of a claim. Fine receipts, encroacher lists, primary offence reports, forest settlement reports, and similar documentation rooted in prior official exercises, or the lack thereof, would not be the sole basis for rejection of any claim.
- h) Use of any technology, such as, satellite imagery, should be used to supplement evidences tendered by a claimant for consideration of the claim and not to replace other evidences submitted by him in support of his claim as the only form of evidence.
- i) The status of all the claims, namely, the total number of claims filed, the number of claims approved by the District Level Committee for title, the number of titles actually distributed, the number of claims rejected, etc. should be made available at the village and panchayat levels through appropriate forms of communications, including conventional methods, such as, display of notices, beat of drum etc.
- j) A question has been raised whether the four hectare limit specified in Section 4(6) of the Act, which provides for recognition of forest rights in respect of the land mentioned in clause (a) of sub-section (1) of section 3 of the Act, applies to other forest rights mentioned in Section 3(1) of the Act. It is clarified that the four hectare limit specified in Section 4(6) applies to

rights under section 3(1)(a) of the Act only and not to any other right under section 3(1), such as conversion of pattas or leases, conversion of forest villages into revenue villages etc.

ii) **Minor Forest Produce:**

(a) The State Government should ensure that the forest rights relating to MFPs under Section 3(1)(c) of the Act are recognized in respect of all MFPs, as defined under Section 2(i) of the Act, in all forest areas, and state policies are brought in alignment with the provisions of the Act. Section 2(i) of the Act defines the term "minor forest produce" to include "all non-timber produce of plant origin, including bamboo, brush wood, stumps, cane, tussar, cocoons, honey, wax, lac, tendu or kendu leaves, medicinal plants and herbs, roots, tubers, and the like".

(b) The monopoly of the Forest Corporations in the trade of MFP in many States, especially in case of high value MFP, such as, tendu patta, is against the spirit of the Act and should henceforth be done away with.

(c) The forest right holders or their cooperatives/ federations should be allowed full freedom to sell such MFPs to anyone or to undertake individual or collective processing, value addition, marketing, for livelihood within and outside forest area by using locally appropriate means of transport.

(d) The State Governments should exempt movement of all MFPs from the purview of the transit rules of the State Government and, for this purpose, the transit rules be amended suitably. Even a transit permit from Gram Sabha should not be required. Imposition of any fee/charges/royalties on the processing, value addition, marketing of MFP collected individually or collectively by the cooperatives/ federations of the rights holders would also be ultra vires of the Act.

(e) The State Governments need to play the facilitating role in not only transferring unhindered absolute rights over MFP to forest dwelling Scheduled Tribes and other traditional forest dwellers but also in getting them remunerative prices for the MFP, collected and processed by them.

iii) **Community Rights:**

(a) The District Level Committee should ensure that the records of prior recorded nistari or other traditional community rights (such as Khatian part II in Jharkhand, and traditional forest produce rights in Himachal and Uttarakhand) are provided to Gram Sabhas, and if claims are filed for recognition of such age-old usufructory rights, such claims are not rejected except for valid reasons, to be recorded in writing, for denial of such recorded rights;

(b) The District Level Committee should also facilitate the filing of claims by pastoralists before the concerned Gram Sabha (s) since they would be a floating population for the Gram Sabha(s) of the area used traditionally.

(c) In view of the differential vulnerability of Particularly Vulnerable Tribal Groups (PTGs) amongst the forest dwellers, District Level Committee should play a pro-active role in ensuring that all PTGs receive habitat rights in consultation with the concerned PTGs' traditional institutions and their claims for habitat rights are filed before the concerned Gram Sabhas.

(d) The forest villages are very old entities, at times of pre-independent era, duly existing in the forest records. The establishment of these villages was in fact encouraged by the forest authorities in the pre-independent era for availability of labour within the forest areas. The well defined record of each forest village, including the area, number of inhabitants, etc. exists with the State Forest Departments. There are also unrecorded settlements and old habitations that are not in any Government record. Section 3(1)(h) of the Act recognizes the right of forest dwelling Scheduled Tribes and other traditional forest dwellers relating to settlement and conversion on forest villages, old habitation, un-surveyed villages and other villages and forests, whether recorded, notified or not into revenue villages. The conversion of all forest villages into revenue villages and recognition of the forest rights of the inhabitants thereof should actually have been completed immediately on enactment of the Act. The State Governments may, therefore, convert all such erstwhile forest villages, unrecorded settlements and old habitations into revenue villages with a sense of urgency in a time bound manner. The conversion would include the actual land-use of the village in its entirety, including lands required for current or future community uses, like, schools, health facilities, public spaces etc. Records of the forest villages maintained by the Forest Department may thereafter be suitably updated on recognition of this right.

iv) **Community Forest Resource Rights:**

(a) The State Government should ensure that the forest rights under Section 3(1)(i) of the Act relating to protection, regeneration or conservation or management of any community forest resource, which forest dwellers might have traditionally been protecting and conserving for sustainable use, are recognized in all villages and the titles are issued as soon as the prescribed Forms for claiming Rights to Community Forest Resource and the Form of Title for Community Forest Resources are incorporated in the Rules. Any restriction, such as, time limit, on use of community forest resources other than what is traditionally imposed would be against the spirit of the Act.



b) In case no community forest resource rights are recognized in a village, the reasons for the same should be recorded. Reference can be made to existing records of community and joint forest management, van panchayats, etc. for this purpose.

c) The Gram Sabha would initially demarcate the boundaries of the community forest resource as defined in Section 2(a) of the Act for the purposes of filing claims for recognition of forest right under Section 3(1)(i) of the Act.

d) The Committees constituted under Rule 4(e) of the Forest Rights Rules, 2008 would work under the control of Gram Sabha. The State Agencies should facilitate this process.

e) Consequent upon the recognition of forest right in Section 3(i) of the Act to protect, regenerate or conserve or manage any community forest resource, the powers of the Gram Sabha would be in consonance with the duties as defined in Section 5(d), wherein the Gram Sabha is empowered to regulate access to community forest resources and stop any activity which adversely affects the wild animals, forest and the bio-diversity. Any activity that prejudicially affects the wild-life, forest and bio-diversity in forest area would be dealt with under the provisions of the relevant Acts.

v) **Protection Against Eviction, Diversion of Forest Lands and Forced Relocation:**

(a) Section 4(5) of the Act is very specific and provides that no member of a forest dwelling Scheduled Tribe or other traditional forest dwellers shall be evicted or removed from the forest land under his occupation till the recognition and verification procedure is complete. This clause is of an absolute nature and excludes all possibilities of eviction of forest dwelling Scheduled Tribes or other traditional forest dwellers without settlement of their forest rights as this Section opens with the words "Save as otherwise provided". The rationale behind this protective clause against eviction is to ensure that in no case a forest dweller should be evicted without recognition of his rights as the same entitles him to a due compensation in case of eventuality of displacement in cases, where even after recognition of rights, a forest area is to be declared as inviolate for wildlife conservation or diverted for any other purpose. In any case, Section 4(1) has the effect of recognizing and vesting forest rights in eligible forest dwellers. Therefore, no eviction should take place till the process of recognition and vesting of forest rights under the Act is complete.

(b) The Ministry of Environment & Forests, vide their letter No.11-9/1998-FC(pt.) dated 30.07.2009, as modified by their subsequent letter of the same number dated 03.08.2009, has issued directions, requiring the State/ UT Governments to enclose certain evidences relating to completion

of the process of settlement of rights under the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, while formulating unconditional proposals for diversion of forest land for non-forest purposes under the Forest (Conservation) Act, 1980. The State Government should ensure that all diversions of forest land for non-forest purposes under the Forest (Conservation) Act, 1980 take place in compliance with the instructions contained in the Ministry of Environment & Forest's letter dated 30.07.2009, as modified on 03.08.2009.

(c) There may be some cases of major diversions of forest land for non-forest purposes under the Forest (Conservation) Act, 1980 after the enactment of the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 but before the issue of Ministry of Environment & Forests' letter dated 30.07.2009, referred to above. In case, any evictions of forest dwelling Scheduled Tribes and other traditional forest dwellers have taken place without settlement of their rights due to such major diversions of forest land under the Forest (Conservation) Act, 1980, the District Level Committees may be advised to bring such cases of evictions, if any, to the notice of the State Level Monitoring Committee for appropriate action against violation of the provisions contained in Section 4(5) of the Act.

(d) The Act envisages the recognition and vesting of forest rights in forest dwelling Scheduled Tribes and other traditional forest dwellers over all forest lands, including National Parks and Sanctuaries. Under Section 2(b) of the Act, the Ministry of Environment & Forests is responsible for determination and notification of critical wildlife habitats in the National Parks and Sanctuaries for the purpose of creating inviolate areas for wildlife conservation, as per the procedure laid down. In fact, the rights of the forest dwellers residing in the National Parks and Sanctuaries are required to be recognized without waiting of notification of critical wildlife habitats in these areas. Further, Section 4(2) of the Act provides for certain safeguards for protection of the forest rights of the forest rights holders recognized under the Act in the critical wildlife habitats of National Parks and Sanctuaries, when their rights are either to be modified or resettled for the purposes of creating inviolate areas for wildlife conservation. No exercise for modification of the rights of the forest dwellers or their resettlement from the National Parks and Sanctuaries can be undertaken, unless their rights have been recognized and vested under the Act. In view of the provisions of Section 4(5) of the Act, no eviction and resettlement is permissible from the National Parks and Sanctuaries till all the formalities relating to recognition and verification of their claims are completed. The State/ UT Governments may, therefore, ensure that the rights of the forest dwelling Scheduled Tribes and other traditional forest dwellers, residing in National Parks and Sanctuaries are recognized first before any exercise for modification of their rights or their resettlement, if necessary, is undertaken and no member of the forest dwelling Scheduled Tribe or other traditional forest dweller is evicted from such areas without

the settlement of their rights and completion of all other actions required under section 4 (2) of the Act.

(e) The State Level Monitoring Committee should monitor compliance of the provisions of Section 3(1)(m) of the Act, which recognizes the right to in situ rehabilitation including alternative land in cases where the forest dwelling Scheduled Tribes and other traditional forest dwellers have been illegally evicted or displaced from forest land without receiving their legal entitlement to rehabilitation, and also of the provisions of Section 4(8) of the Act, which recognizes their right to land when they are displaced from their dwelling and cultivation without land compensation due to State development interventions.

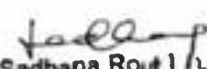
vi) **Awareness-Raising, Monitoring and Grievance Redressal :**

a) Each State should prepare suitable communication and training material in local language for effective implementation of the Act.

b) The State Nodal Agency should ensure that the Sub Divisional Level Committee and the District Level Committee make district-wise plans for trainings of revenue, forest and tribal welfare departments' field staff, officials, Forest Rights Committees and Panchayat representatives. Public meetings for awareness generation in those villages where process of recognition is not complete need to be held.

c) In order to generate awareness about the various provisions of the Act and the Rules, especially the process of filing petitions, the State Government should organize public hearings on local bazaar days or at other appropriate locations on a quarterly basis till the process of recognition is complete. It will be helpful if some members of Sub Divisional Level Committee are present in the public hearings. The Gram Sabhas also need to be actively involved in the task of awareness raising.

d) If any forest dwelling Scheduled Tribe in case of a dispute relating to a resolution of a Gram Sabha or Gram Sabha through a resolution against any higher authority or Committee or officer or member of such authority or Committee gives a notice as per Section 8 of the Act regarding contravention of any provision of the Act or any rule made thereunder concerning recognition of forest rights to the State Level Monitoring Committees, the State Level Monitoring Committee should hold an inquiry on the basis of the said notice within sixty days from the receipt of the notice and take action, if any, that is required. The complainant and the Gram Sabha should be informed about the outcome of the inquiry.

  
[ Dr. Sadhana Rout ]  
Joint Secretary to the Govt. of India

**MINISTRY OF TRIBAL AFFAIRS  
NOTIFICATION  
New Delhi, the 6<sup>th</sup> September, 2012**

G.S.R. 669(E).-- WHEREAS the draft Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012 were published, as required by sub-section (1) of section 14 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (2 of 2007) under the notification of the Government of India in the Ministry of Tribal Affairs number G.S.R.578(E), dated the 19<sup>th</sup> July, 2012 in the Gazette of India, Part II, Section 3, sub-section (i) of the same date, inviting objections and suggestions from all persons likely to be affected thereby, before the expiry of the period of thirty days from the date on which the copies of the Gazette containing the said notification are made available to the public;

AND WHEREAS copies of the said Gazette were made available to the public as on July 20, 2012.

AND WHEREAS the objections and suggestions received from the public in respect of the said draft amendment rules have been duly considered by the Central Government;

NOW, THEREFORE, in exercise of the powers conferred by sub-sections (1) and (2) of section 14 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (2 of 2007), the Central Government hereby makes the following rules to amend the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2008, namely:-

1. (1) These rules may be called the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012.
- (2) They shall come into force on the date of their publication in the Official Gazette.
2. In the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2008 (hereinafter referred to as the said rules). In rule 2, sub-rule(1)
  - (i) for clause (b), the following clause shall be substituted, namely:-
  - (b) "bona fide livelihood needs" means fulfillment of livelihood needs of self and family through exercise of any of the rights specified in sub-section(1) of section 3 of the Act and includes sale of surplus produce arising out of exercise of such rights;
  - (ii) after clause (c), the following clauses shall be inserted namely:-
  - (c) "community rights" means the rights listed in clauses (b), (c), (d), (e), (h), (i), (j), (k) and (l) of sub-section (1) of section 3;
  - (iii) for clause (d), the following clause shall be substituted, namely:-
  - (d) "disposal of minor forest produce" under clause (c) of sub-section (1) of section 3 shall include right to sell as well as individual or collective processing, storage, value addition, transportation within and outside forest area through appropriate means of transport for use of such produce or sale by gatherers or their cooperatives or associations or federations for livelihood;  
Explanation:- (1) The transit permit regime in relation to transportation of minor forest produce shall be modified and given by the Committee constituted under clause (e) of sub-rule (1) of rule 4 or the person authorized by the Gram Sabha.
- (2) This procedural requirement of transit permit in no way shall restrict or abridge the right to disposal of minor forest produce.
- (3) The collection of minor forest produce shall be free of all royalties or fees or any other charges

3. In the said rules, after rule 2, the following rule shall be inserted, namely:-

**2A. Identification of hamlets or settlements and process of their consolidation –**

The State Government shall ensure that –

- (a) every panchayat, within its boundaries, prepares a list of group of hamlets or habitations, unrecorded or unsurveyed settlements or forest villages or taungya villages, formally not part of any Revenue or Forest village record and have this list passed by convening Gram Sabha of each such habitation, hamlets or habitations included as villages for the purpose of the Act through a resolution in the Panchayat and submit such list to Sub Division Level Committee.
- (b) the Sub-Divisional Officers of the Sub Division Level Committee consolidate the lists of hamlets and habitations which at present are not part of any village but have been included as villages within the Panchayat through a resolution, and are formalized as a village either by adding to the existing village or otherwise after following the process as provided in the relevant State laws and that the lists are finalized by the District Level Committee after considering public comments, if any.
- (c) on finalization of the lists of hamlets and habitations, the process of recognition and vesting of rights in these hamlets and habitations is undertaken without disturbing any rights, already recognized,

4. In the said rule 3,

- (a) in sub-rule (1) for the words “at least one-third members shall be the Scheduled Tribes”, the words “at least two-third members shall be the Scheduled Tribes” shall be substituted;
- (b) after sub-rule (3) the following sub-rule shall be inserted, namely:-  
“(4) The Forest Rights Committee shall not reopen the forest rights recognized or the process of verification of the claims already initiated before the date of coming into force of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendments Rules, 2012”.

5. In the said rules, in rule 4, -

- (i) after clause (e), the following clause shall be inserted, namely:-
- (f) monitor and control the committee constituted under clause (e) which shall prepare a conservation and management plan for community forest resources in order to sustainably and equitably manage such community forest resources for the benefit of forest dwelling Scheduled Tribes and other Traditional Forest Dwellers and integrate such conservation and management plan with the micro plans or working plans or management plans of the forest department with such modifications as may be considered necessary by the committee.
- (g) approve all decisions of the committee pertaining to issue of transit permits, use of income from sale of produce, or modification of management plans.
- (ii) for sub-rule (2), the following sub-rule shall be substituted, namely:-  
“(2) The quorum of the Gram Sabha meeting shall not be less than one-half of all members of such Gram Sabha;  
Provided that at least one-third of the members present shall be women;  
Provided further that where any resolutions in respect of claims to forest rights are to be passed, at least fifty per cent of the claimants to forest rights or their representatives shall be present;

Provided also that such resolutions shall be passed by a simple majority of those present and voting”.

6. In the said rules, in rule 6, for clause (1), the following clause shall be substituted, namely:-

- (1) ensure easy and free availability of proforma of claims to the claimants as provided in Annexure-I (Forms A, B and C) of these rules;

7. In the said rules, in rule 8,-

- (i) in clause (g), the word "and", shall be omitted;
- (ii) in clause (h), at the end the word "and" shall be inserted;
- (iv) after clause (h), the following clause shall be inserted, namely:-

"(i) ensure that a certified copy of the record of the right to community forest resource and title under the Act, as specified in Annexure IV to these rules, is provided to the concerned Gram Sabha or the community whose rights over community forest resource have been recognized under clause (i) of sub-section (1) of section 3".

8. In the said rules, in rule 10,-

- (i) for clause (c), the following clause shall be substituted, namely:-

"(c) meet at least once in three months to monitor the process of recognition, verification and vesting of forest rights, consider and address the field level verification and vesting of forest rights, consider and address the field level problems, and furnish a quarterly report in the format appended as Annexure V to these rules, to the Central Government on their assessment regarding the status of claims, the compliance with the steps required under the Act, details of claims approved, reasons for rejection, if any and the status of pending claims".

- (ii) after clause (e), the following clause shall be inserted, namely:-

"(f) specifically monitor compliance of the provisions contained in clause (m) of sub-section (1) of section 3 and sub-section (8) of section 4".

9. In the said rules, in rule 11, in sub-rule (4), for the words and letter "community forest rights in Form B" the words "community forest rights in Form B and the right over community forest resource under clause (i) of sub-section (1) of Section 3 in Form C" shall be substituted.

10. In rule 12 of the said rules, in sub-rule (i) after clause (e), the following clause shall be inserted, namely:-

"(f) delineate the customary boundaries of the community forest resource with other members of the Gram Sabha including elders who are well versed with such boundaries and customary access;

(g) prepare a community forest resource map with recognizable land marks and through substantial evidence as enumerated in sub-rule (2) of rule 13 and thereafter, such community forest resource claim shall be approved by a resolution of the Gram Sabha passed by a simple majority.

Explanation: The delineation of community forest resource may include existing legal boundaries such as reserve forest, protected forest, National Parks and Sanctuaries and such delineation shall formalize and recognize the powers of the community in access, conservation and sustainable use of such community forest resources".

11. In the said rules, after rule 12, the following rules shall be inserted, namely:-

"12A. **Process of recognition of rights - (1)** On receipt of intimation from the Forest Rights Committee, the officials of the Forest and Revenue departments shall remain present during the verification of the claims and the verification of evidences on the site and shall sign the proceedings with their designation, date and comments, if any.

(2) If any objections are made by the Forest or Revenue departments at a later date to a claim approved by the Gram Sabha, for the reason that their representatives were absent during field verification, the claim shall be remanded to the Gram Sabha for re-verification by the committee where objection has been raised and if the representatives again fail to attend the verification process the Gram Sabha's decision on the field verification shall be final.

(3) In the event of modification or rejection of a claim by the Gram Sabha or a recommendation for modification or rejection of a claim forwarded by the Sub-Divisional Level Committee to the

District Level Committee, such decision or recommendation on the claims shall be communicated in person to the claimant to enable him to prefer a petition to the Sub-Divisional Level Committee or District Level Committee as the case may be, within a period of sixty days which shall be extendable to a period of thirty days at the discretion of the above said committees.

- (4) If any other state agency desires to object to a decision of the Gram Sabha or the Sub-Divisional Level Committee, it shall file an appeal before the Sub-Divisional Level Committee or the District Level Committee, as the case may be, which shall be decided by the Committee (in the absence of the representative of the concerned agency, if any) after hearing the claimant.
- (5) No petition of the aggrieved person shall be disposed of, unless he has been given a reasonable opportunity to present anything in support of his claim.
- (6) The Sub-Divisional Level Committee or the District Level Committee shall remand the claim to the Gram Sabha for re-consideration instead of modifying or rejecting the same, in case the resolution or the recommendation of the Gram Sabha is found to be incomplete or prima-facie requires additional examination.
- (7) In cases where the resolution passed by the Gram Sabha, recommending a claim, with supporting documents and evidence, is upheld by the Sub-Divisional Level Committee with or without modifications, but the same is not approved by the District Level Committee, the District Level Committee shall record detailed reasons for not accepting the recommendations of the Gram Sabha or the Sub-Divisional Level Committee as the case may be, in writing, and a copy of the order of the District Level Committee along with the reasons shall be made available to the claimant or the Gram Sabha or the Community as the case may be.
- (8) The land rights for self-cultivation recognized under clause (a) of sub-section (1) of section 3 shall be, within the specified limit, including the forest lands used for allied activities ancillary to cultivation, such as, for keeping cattle, for winnowing and other post-harvest activities, rotational fallows, tree crops and storage of produce.
- (9) On completion of the process of settlement of rights and issue of titles as specified in Annexure II, III and IV of these rules, the Revenue and the Forest departments shall prepare a final map of the forest land so vested and the concerned authorities shall incorporate the forest rights so vested in the revenue and forest records, as the case may be, within the specified period of record updation under the relevant State laws or within a period of three months, whichever is earlier.
- (10) All decisions of the Sub-Divisional Level Committee and District Level Committee that involve modification or rejection of a Gram Sabha resolution or recommendation of the Sub-Divisional Level Committee shall give detailed reasons for such modification or rejection, as the case may be:  
Provided that no recommendation or rejection of claims shall be merely on any technical or procedural grounds:  
Provided further that no committee (except the Gram Sabha or the Forest Rights Committee) at the Block or Panchayat or forest beat or range level, or any individual officer of any rank shall be empowered to receive claims or reject, modify, or decide any claim on forest rights.
- (11) The Sub-Divisional Level Committee or the District Level Committee shall consider the evidence specified in rule 13 while deciding the claims and shall not insist upon any particular form of documentary evidence for consideration of a claim.  
Explanation: 1. Fine receipts, encroacher lists, primary offence reports, forest settlement reports, and similar documentation by whatever name called, arisen during prior official exercise, or the lack thereof, shall not be the sole basis for rejection of any claim.

2. The satellite imagery and other uses of technology may supplement other form of evidence and shall not be treated as a replacement.

**12 B. Process of Recognition of Community Rights:-** (1) The District Level Committee shall, in view of the differential vulnerability of Particularly Vulnerable Tribal Groups as described in clause (e) of sub-section (i) of section 3 amongst the forest dwellers, ensure that all Particularly Vulnerable Tribal Groups receive habitat rights, in consultation with the concerned traditional institutions of Particularly Vulnerable Tribal Groups and their claims for habitat rights are filed before the concerned Gram Sabhas, wherever necessary by recognizing floating nature of their Gram Sabhas.

(2) The District Level Committee shall facilitate the filing of claims by pastoralists, transhumant and nomadic communities as described in clause (d) of sub-section (i) of section 3 before the concerned Gram Sabhas.

(3) The District Level Committee shall ensure that the forest rights under clause (i) of sub-section (1) of section 3 relating to protection, regeneration or conservation or management of any community forest resource, which forest dwellers might have traditionally been protecting and conserving for sustainable use, are recognized in all villages with forest dwellers and the titles are issued.

(4) In case where no community forest resource rights are recognized in a village, the reasons for the same shall be recorded by the Secretary of the District Level Committee.

(5) The conversion of forest villages, unrecorded settlement under clause (h) of section 3 shall include the actual land-use of the village in its entirety, including lands required for current or future community uses, like, schools, health facilities and public spaces".

12. In rule 13 of the said rules, in sub-rule (2):-

(i) for the words "Community Forest Rights" the words "Community Forest Resource" shall be substituted.

(ii) after clause (c) the following clauses shall be inserted, namely:-

(d) government records or earlier classification of current reserve forest as protected forest or as gochar or other village common lands, nistari forests;

(e) earlier or current practice of traditional agriculture".

13. After rule 15 of the said rules, the following rule shall be inserted, namely:-

**"16. Post Claim support and handholding to holders of forest rights:**

The State Government shall ensure through its departments especially tribal and social welfare, environment and forest, revenue, rural development, panchayati raj and other departments relevant to upliftment of forest dwelling scheduled tribes and other traditional forest dwellers, that all government schemes including those relating to land improvement, land productivity, basic amenities and other livelihood measures are provided to such claimants and communities whose rights have been recognized and vested under the Act.

14. In the said rules, in Annexure – I, after Form B, the following Form shall be inserted, namely:-



**FORM – C**

**CLAIM FORM FOR RIGHTS TO COMMUNITY FOREST RESOURCE**

[See section 3(1)(i) of the Act and rule 11(1) and 4(a)]

1. Village/Gram Sabha:
2. Gram Panchayat:
3. Tehsil / Taluka:
4. District:
5. Name(s) of members of the gram sabha [Attach as separate sheet, with status of Scheduled Tribes / Other Traditional Forest Dwellers indicated next to each member].

Presence of few Scheduled Tribes / Other Traditional forest Dwellers is sufficient to make the claim.

We, the undersigned residents of this Gram Sabha hereby resolve that the area detailed below and in the attached map comprises our Community Forest Resource over which we are claiming recognition of our forest rights under section 3(1)(i).

[Attach a map of the community forest resource, showing location, landmarks within the traditional or customary boundaries of the village or seasonal use of landscape in the case of pastoral communities to which the community had traditional access and which they have been traditionally protecting, regenerating, conserving and managing for sustainable use. Please note that this need not correspond to existing legal boundaries.]

6. Khasra / Compartment No.(s), if any and if known:
7. Bordering Villages:
  - (i)
  - (ii)
  - (iii)

(This may also include information regarding sharing of resources and responsibilities with any other villages.)

8. *List of Evidence in Support (Please see Rule 13)*

*Signature / Thumb impression of the Claimant(s):*

15. In the said rules, after Annexure – III, the following Annexure shall be inserted, namely:-

“Annexure - IV

## **TITLE TO COMMUNITY FOREST RESOURCES**

[See rule 8(i)]

1. **Village/Gram Sabha:**
2. **Gram Panchayat:**
3. **Tehsil / Taluka:**
4. **District:**
5. **Scheduled Tribe / Other Traditional Forest Dweller. Scheduled Tribes community / Other Traditional Forest Dwellers community / Both**
6. **Description of boundaries including customary boundary, by prominent landmarks, and by khasra / compartment No.**

Within the said area, this community has the right to protect, regenerate or conserve or manage, and this (to be named) community forest resources which they have been traditionally protecting and conserving for sustainable use as per section 3(1)(i) of the Act. No conditions are being imposed on this right other than those in the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act and the Rules framed thereunder.

We, the undersigned, hereby, for and on behalf of the Government affix our signatures to confirm the community forest resource (to be named and specified in extent, quantum, area, whichever is applicable) as mentioned in the Title to the above mentioned gram sabha / community (ies).

(Divisional Forest Officer /

(District Tribal Welfare Officer)

*Deputy Conservator of Forests)*

*(District Collector / Deputy Commissioner)”*

**“Annexure – V**  
**Format for furnishing quarterly report**  
**[See Rule 10 (c)]**

1.	Name of the State	
2.	Status of Claims	
a)	Individual Rights	
	• Filed	
	• Accepted	
	• Rejected	
	• Pending	
	• Reasons for rejection with examples	
	• Corrective measures suggested	
	• Any other observations	
	• Extent of forest land covered (in Ha.)	
	• Status of updation of forest and revenue records under section 3(1)(a) of the Act (in Ha.)	
b)	Community Forest Rights	
	• Filed	
	• Accepted	
	• Rejected	
	• Pending	
	• Extent of forest land covered	
	• Status of updation of forest and revenue record under Section 3(1) (b) to 3(1) (l) of the Act (in Ha.)	
	• Reasons for rejections with example	
	• Corrective measures suggested	
	• Any other observations	
c)	Details of Community Forest Resource being managed and by	

	whom	
d)	Good Practices (if any)	
e)	Area diverted under section 3(2) of the Act (in Ha.)	
f)	Any other Remarks	

(Chairman)

(Member Secretary)

State Level Monitoring Committee

State Level Monitoring Committee

[F. No. 23011/32/2010-(Vol. II)  
Dr. SADHANA ROUT, Jt. Secy.

**Note:** The principal rules were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide number G.S.R. 1 (E), dated the 1<sup>st</sup> January, 2008.

**III. CIRCULARS/NOTIFICATIONS  
AND LETTERS ISSUED BY  
DIFFERENT DEPARTMENTS OF  
GOVT. ODISHA**

**Government of Orissa**  
**ST & SC Development Department**  
**Resolution No. 6792 SSD Dt. 25.2.2004**

**Sub: Constitution of Task Force at the sub-divisional Level, District level and state level to review and monitor implementation of various Rules and Regulations concerning welfare of the Scheduled Tribes and to prevent their exploitation.**

1. The welfare of the Scheduled Tribes being one of the primary concerns of the State Government, various welfare schemes are being implemented by different line Departments of the State Government in order to protect the interests of the STs and to prevent their exploitation by others, the State Government has enacted several Rules and Regulations from time to time. With passage of time, these Rules and Regulations are being amended to make them more effective in order to achieve the chosen objectives. The important Rules and Regulations enacted so far and policies can be enlisted as follows.

- a) Orissa (Scheduled Areas) Transfer of Immovable properties \*by Scheduled Tribes) Regulations, 1956 as amended by Regulation-1 of 2002.
- b) Orissa (Scheduled Areas) Money Landers Regulation, 1967 as amended by Regulation-1 of 2001.
- c) Section 22 and 23 of Orissa Land Reforms Act.
- d) Dafayati Rights (Usufructory Rights) of the Tribals in plantation schemes.
- e) Transfer of the management of a list of articles to the control of GPs which are categorized as Minor Forest produce.
- f) Policy on rehabilitation of tribals affected by construction of irrigation projects or establishment of industries etc.
- g) Policy to tackle the problems of pre-1980 and post 1980 Forest Encroachments and declaration of forest villages as revenue villages.

2. With a view to effectively implement the provisions of the Rules and Regulations enumerated above, Task Force have been constituted at the Sub-divisional Level vide Revenue Deptt. Letter No.607/R dt. 4.12.2002. Similarly a State level High Power Committee under the Chairmanship of the Chief Secretary, Orissa has been constituted vide Revenue Deptt. Notification No. 56167/R. dt. 6.12.2001 to supervise the activities of the Task Force constituted for scheduled districts to look into the problems of land disputed and matters relating to tribals pending in the Forest and Environment Department as well as for implementation of antipoverty programmes in the scheduled areas.

3. The matter of widening the scope of Sub-divisional level Task Force, the State Level High Poor committee and also to constitute District Level Task Force committee as so as to include other important aspects as enlisted in para -1 above was under active consideration of the State Govt. for some time past. Government, after careful consideration, have been pleased to decide that the following Committees be constituted in the manner prescribed against each

and the committees be vested with powers and functions as mentioned against them as follows.

4. Constitution of Sub-divisional Level Task Force Committee. The following members.

- |      |  |   |                  |
|------|--|---|------------------|
| i)   | Sub-Collector  | - | Chairman         |
| ii)  | Sub-divisional police Officer  | - | Member           |
| iii) | Tahasildar (s) of the Sub-division   | - | Member           |
| iv)  | Forest Range Officer(s)  | - | Member           |
| v)   | Sub-Registrars   | - | Members          |
| vi)  | Two local tribal representatives to be nominated by the Collector of the district- |   | Members          |
| vii) | Addl. District Welfare Officer   | - | Member- Convener |

5. Powers and functions:

- i) Review of progress of detection of cases of illegal transfer of tribal land and booking of cases as per relevant provisions of the Act and Rules.
- ii) Monitoring and supervision of restoration of tribal lands and ensuring affective and physical transfer of possessions of tribal land to the tribals.
- iii) Monitoring and supervision of distribution of Govt. land and ceiling surplus land with landless tribals and ensuring that such allottees are not disposed of the land settled with them.
- iv) Effective conformant of defeat rights (usufactory Rights) to tribals under various plantation schemes etc.
- v) Prevention of exploitation of tribals by money lenders and enforcement of Orissa(Schedule Areas) Money Lenders Regulation, 1967 as amended by Regulation-9 2001.
- vi) Supervision and monitoring of work relating to settlement of per 1980 encroached forest land with STs and furnishing of comprehensive e proposals for declaration of encroached forest villages as revenue villages.
- vii) Extension of the provisions of the Panchayat (Extension to Scheduled Areas) Act, 1996 which, inter alia, includes election to Panchayati Raj Institutions, ownership of minor forest produces, regulation and control of village markets, land acquisition in scheduled areas, licensing and exploration of minor minerals and lease of minor minerals, management of minor water bodies etc.
- viii) Review of development and welfare programmes.
- ix) Any other function as assigned by the Govt. from time to time.

6. Constitution of District level Task Force Committee; constituted as follows;

- |      |  |           |
|------|--|-----------|
| i)   | District Collector                     | -Chairman |
| ii)  | Superintendent of Police               | -Member   |
| iii) | Project Administrators of ITDAs        | -Members  |
| iv)  | Divisional Forest Officer(Territorial) | -Member   |
| v)   | District Registrar                     | -Member   |

- vi) Sub-collector(s) of Revenue Sub-divisions -Members
  - vii) Three tribal representatives to be nominated by the concerned R.D.C. -Members
  - viii) District Welfare Officer -Member-Convener.
- (a) To monitor the progress made by the Sub-divisional level Task Force committee in respect of the functions assigned to them.
  - (b) To take suitable follow up action on the issues highlighted by the Sub-divisional level Task Force Committee.
  - (c) To report to the State Level Task Force Committee about the action taken on different issues at the district level.
  - (d) To bring such deserving issues to the notice of the State Level Committee/Deptt. Of Government which needs to be sorted out at the State level.

7. The District level Task Force Committee shall meet at least once in a quarter or more frequently, if necessary, and shall submit suitable review report with detailed information and note on the action taken by the district level committee, to the Revenue Department and ST & SC Development Deptt. With their comments/views.

8. Constitution of State Level Task Force Committee:

In order to make the District Level and Sub-Divisional Level Task Forces more effective through supervision and guidance as well as to promptly address the issues requiring Govt. decisions or intervention, the State Government have been pleased to constitute a State Level Task Force Committee as follows;

- |       |   |   |                   |
|-------|---|---|-------------------|
| i)    | Chief Secretary, Orissa   | - | Chairman          |
| ii)   | Development Commissioner-cum-ACS  | - | Member            |
| iii)  | Agricultural Production Commissioner  | - | Member            |
| iv)   | Director General of Police  | - | Member            |
| v)    | Principal Chief Conservator of Forests  | - | Member            |
| vi)   | Secretary to Govt. Home Deptt.  | - | Member            |
| vii)  | Secretary to Govt. Revenue Deptt.   | - | Member            |
| viii) | Secretary to Govt. Forest & Environment Deptt.                                      | - | Member            |
| ix)   | Secretary to Govt. ST & SC Development  | - | Member            |
| x)    | Revenue Divisional Commissioners(Northern Divn. Southern Divn. & Central Division.) | - | Member            |
| xi)   | Five representatives belonging to Scheduled Tribes to be nominated by Govt.         | - | Member            |
| xii)  | Director, ST & SC Development   | - | Member -Secretary |

9. The State Level Task Force Committee will review functioning the District Level and Sub-divisional Level Committees and shall meet at least once in six months or more frequently may be necessary.

10. The State Level committee will review progress of implementation of different regulatory measures and welfare activities as enlisted in paragraph-1 above and will make suitable recommendations to the government in concerned Departments for appropriate action.



The committee may also issue directions to the appropriate Department/ authorities on issues affecting welfare of the Scheduled Tribes and shall keep the Gov t. informed from time to time on the achievements of the Task Forces hereby constituted.

11. The Committees/ Task Force constituted by different Departments earlier to perform similar functions shall stand superseded unless they have been constituted in pursuance of any statutory provisions or any court order.

Order:- Ordered that the Resolution be published in the extra ordinary issue of the State Gazette and copies thereof be sent to all Departments of Govt./ All Heads of Departments/ all collectors and sub-collectors.

By Order of the Governor

Sd/-

Commissioner-cum-Secretary to Govt.

**Memo No.6793/SSD dt. 25.2.04**

Copy forwarded to the Commissioner-cum-Secretary to Governor, Orissa/Commissioner-cum-Secretary to Chief Minister, Orissa/ D.S to All Ministers/ P.S to Chief Secretary, Orissa/ P.S. to Development Commissioner & Addl. Scy. / P.S to Agricultural Production Commissioner for information and necessary action.

Sd/-

Dy. Secretary to Government

**GOVERNMENT OF ORISSA**  
**Forest and Environment Department**

**No. 17276/F & E., Dtd. Bhubaneswar the 01.10.2005**

**10F (Cons)-114/04**

**To**

The Revenue Department/Rural Development Department/Water Resources Department / Works Department/Panchayati Raj Department/Tourism & Culture Department/ST & SC Development Department/Steel & Mines Department.

**Sub.:** Guidelines under Forest (Conservation) Act, 1980 for up-gradation of Kucha roads to constructed prior to 1980 in forest areas, to pucca roads.

The undersigned is directed to enclose a copy of the letter No. 11 – 48 / 2002 – FC dt. 20/30.04.2005 of Govt. of India, Ministry of Environment & Forests on the above subject for information and necessary action.

Sd/-  
Deputy Secretary to Government.

Memo No. 1 7277 / F&E ... Dtd. 1.10.05

Copy along with copy of the enclosure forwarded to the P.S. to the Development Commissioner, Orissa for kind perusal of the Development Commissioner.

Sd/-  
Deputy Secretary to Government

**(Pl. See the enclosure at sl. 2 of ANNEXURE I, List of Government Circulars & Notifications on FRA, 2006)**

**GOVERNMENT OF ORISSA**  
**Forest and Environment Department**

No. 10F (Cons)-2/05—403/E&F    Dtd. Bhubaneswar, 10.01.2006

From

Shri Vinod Kumar, IFS  
Special Secretary to Government

To

The Principal Chief Conservator of Forest, Orissa

**Sub: Guidelines for diversion of forest land for non-forest purposes under the Forest (Conservation) Act, 1980 – Verification / recognition of rights of tribal and forest dwellers on forest land.**

Sir,

I am directed to invite a reference to the letter No. 2-3/2004- FC dated 3.11.2005 of the Asst. Inspector General of Forests, Govt. of India, Ministry of Environment and Forests (copy enclosed for ready reference) on the subject cited above and to say that the guidelines issued by GOI envisages formation of Village Level, Block Level and Dist. Level committees to verify dispute claims and rights of tribal / forest dwellers by State / UT Government.

Earlier GOI, MoEF vide their letter dated 21.12.2004 had communicated that the State Governments, as an interim measure, should not resort to eviction of tribal people and forest dwellers till their complete survey is done for the recognition of such people and their rights after setting up the District Level Committees involving a Deputy Collector, Sub-Divisional Forest Officer and a representative of Tribal Welfare Department and the State Governments are advised to exclude such tribals / forest dwellers from the eviction drives. Simultaneously it was advised not to stop eviction of the ineligible encroachers from the forest land. Copy of the letter had been sent to you and to all the RDCs for appropriate action vides this Dept. L.No.2101/F&E dated 3.2.2005.

It, may not be out of context to say that these issues had been dealt by Revenue Department vide their circular no. 21060 / R dated 4.5.2000. Basing on this Pre-1980 encroachment eligible for regularization in 17 districts has been finalized and proposals have been recommended to GOI for approval.

Subsequent to GOI's instructions communicated in their letter dated 30.10.2002, the Chief Secretary, Orissa in his DO Letter No.465 dated 9.1.2003 to all the Collectors had requested to complete their proposal for Pre-1980 regularization jointly with the DFOs.

State Government in ST & SC Development Department has also constituted a Sub-Divisional Level Task Force Committee vide their Resolution No.6792 / SSD dated 25.2.2004 (Copy enclosed). One of the function of this committee is relating to settlement of Pre-1980 encroached forest land with STs.

Therefore, creation of various committees at short intervals for same issue would create not only confusion but misunderstanding in both officials and non-officials as well as villagers.

So the Task Force Committees at Sub-Divisional Level through the Collectors of Angul, Bolangir, Gajapati, Keonjhar, Kendrapara, Malkangiri, Mayurbhanj, Nawarangpur and Sundargarh, the districts for which complete Pre-1980 regularization proposals has not been sent to GOI, MoEF for approval, may be requested to expedite comprehensive proposal for Pre-1980 regularization for the district, again through the respective Collectors and while doing so, they should resolve any disputed claim in accordance with Revenue Department guidelines dt. 4.5.2000.

In case of the 17 districts for which proposal for regularization of eligible Pre-1980 encroachments are pending with GOI, it would be appropriate to allow the committees constituted by ST and SC Development Department Resolution dated 25.2.2004 only to undertake resolving of claims and disputes and to adopt MoEF guidelines of dated 3.11.2005 after the State Government's proposals for regularization of Pre-1980 eligible cases in forests are expeditiously approved by Government of India.

Yours faithfully,

Sd/-

Special Secretary to Govt.

Memo No. 404 / F&E, Dtd, Bhubaneswar, 10.1.06

Copy with copy of the letter No. 2 – 3/2004 – FC dated 3.11.05 of GOI, MoEF is forwarded to Revenue Department / ST & SC Development Department / Panchayati Raj Department for information and necessary action.

Sd/-

Special Secretary to Govt.

**GOVERNMENT OF ORISSA**  
**ST & SC DEVELOPMENT DEPARTMENT**  
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**RESOLUTION**

**NO – 4694-TD-II-3/2008 /SSD Dated, Bhubaneswar the 1<sup>st</sup> February, 2008**

**Sub: Constitution of Sub-Divisional Level Committee, District Level Committee & State Level Monitoring Committee for implementation of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 and Rules made thereunder.**

The Scheduled Tribes and Other Traditional Forest dwellers (Recognition of Forest Rights) Act 2006 and Rules notified by Ministry of Tribal Affairs, Government of India. New Delhi seek to provide rights over land in their occupation to Forest Dwelling Scheduled Tribes and other traditional Forest Dwellers who have been residing there for generations but whose right could not be recorded.

2. In order to ensure proper implementation of the Act expeditiously in keeping with the rules provided under it, Government after careful consideration have been pleased to decide that the following Committees be constituted in the manner prescribed against each and the Committees be vested with functions as mentioned against them as follows.

**3. Constitution of Sub Divisional Level Committee:**

The Sub-Divisional Level Committee shall be constituted with the following members namely.

1.	Sub-Collector	Chairperson
2.	Forest Officer in charge of the Sub-Division	Member
3.	3 Members of Panchayat Samiti (These 3 members will be nominated by Zilla Parishad and at least 2 of them shall be Scheduled Tribes, preferably those who are forest dwellers or who belong to primitive tribal groups. Where there are no Scheduled Tribes, 2 members to be nominated by Zilla Parishad would be from other traditional forest Dwellers and one woman	Member
4.	Special Officer, ITDA in Scheduled areas and Asst. Dist. Welfare Officer in non-Scheduled areas	Member-Secretary

**4. Functions of the Sub-Divisional Level Committee – The Sub - Divisional Level Committee (SDLC) shall –**

- h) Provide information to each Gram Sabha about their duties and duties of holder of forest rights and others towards protection of wildlife, forest and biodiversity with reference to critical flora and fauna, which need to be conserved and protected.
- i) Provide forest and revenue maps and electoral rolls to the Gram Sabha or the Forest Rights Committee.
- j) Collate all the resolutions of the concerned Gram Sabhas;
- k) Consolidate maps and details provided by the Gram Sabhas ;
- l) Examine the resolutions and the maps of the Gram Sabhas to ascertain the veracity of the claims;
- m) Hear and adjudicate disputes between Gram Sabhas on the nature and extent of any forest rights;
- n) Hear petitions from persons including State agencies aggrieved by the resolutions of the Gram Sabhas;
- o) Co-ordinate with other Sub Divisional Level Committee for inter sub-divisional claims ;
- p) Prepare block or Tehsil wise draft record of proposed forest rights after reconciliation of Government records;
- q) Forward the claims with the draft record of proposed forest rights through their Sub-Divisional Officer to the District Level Committee for final decision
- r) Raise awareness among forest dwellers about the objectives and procedures laid down under the Act and in the rules.
- s) Ensure easy and free availability of proforma of claims to the claimants as provided in Annexure-I (Forms A & B) to these rules;
- t) Ensure that the Gram Sabha Meetings are conducted in free, open and fair manner with requisite quorum.

**5. District Level Committee – The District Level Committee shall be constituted with the following members, namely-**

1.	District Collector	Chairperson
2.	Concerned Divisional Forest Officer or concerned Deputy Conservator of forests	Member

3.	3 Members of Zilla Parishad (These 3 members will be nominated by Zilla Parishad and at least 2 of them shall be Scheduled Tribes, preferably those who are forest dwellers or who belong to primitive tribal groups. Where there are no Scheduled Tribes. 2 members to be nominated by Zilla Parishad would be from other traditional forest dwellers and one woman.	Member
4.	Project Administrator, ITDA in Scheduled Area and Dist. Welfare Officer in other area.	Member Secretary

## 6. Functions of District Level Committee

### The District Level Committee Shall

- a) Ensure that the requisite information under clause (b) of rule-6 has been provided to Gram Sabha or Forest Rights Committee.
- b) Examine whether all claims, especially those of primitive tribal groups, pastoralists and nomadic tribes, have been addressed keeping in mind the objectives of the Act;
- c) Consider and finally approve the claims and record of forest rights prepared by the Sub-Divisional Level Committee.
- d) Hear petitions from persons aggrieved by the orders of the Sub-Divisional Level Committee.
- e) Co-Ordinate with other districts regarding inter-district claims.
- f) Issue directions for incorporation of the forest rights in the relevant Government records including record of rights.
- g) Ensure publication of the record of the forest rights as may be finalized
- h) Ensure that the certified copy of the record of the forest rights and title under the Act, as specified at Annexure-II & III to rules, is provided to the concerned claimant and the Gram Sabha respectively.

## 7. State Level Monitoring Committee- The State Level Monitoring Committee shall be constituted with the following members namely

- |  |                   |
|--|-------------------|
| 1. Chief Secretary   | Chairperson       |
| 2. Secretary, Revenue & DM Department                                    | Member            |
| 3. Secretary, Scheduled Tribes & Scheduled Castes Development Department | Member            |
| 4. Secretary, Forest Department  | Member            |
| 5. Secretary, Panchayati Raj Department                                  | Member            |
| 6. Principal Chief Conservator of Forests                                | Member            |
| 7. Sri Bharat Paik, Member of TAC  | Member            |
| 8. Sri Balabhadra Majhi, Member of TAC                                   | Member            |
| 9. Smt. Tulasi Munda, Member of TAC                                      | Member            |
| 10. Director, ST&SC  | Member Secretary. |

- 8. Functions of the State Level Monitoring Committee – The State Level Monitoring Committee shall**
- a) Devise criteria and indicators for monitoring the process of recognition and vesting of forest rights;
  - b) Monitor the process of reorganization, verification and vesting of forest rights in the State.
  - c) Furnish a six monthly report on the process of recognition, verification and vesting of forest rights and submit to the nodal agency such returns and reports as may be called for by the nodal agency.
  - d) On receipt of a notice as mentioned in section 8 of the Act, take appropriate actions against the concerned authorities under the Act.
  - e) Monitor resettlement under Sub-Section (2) of Section – 4 of the Act.
- 9. Order: - Ordered that the Resolution be published in the extra ordinary issue of the State Gazette and copies thereof be sent to all Department of Govt./ All Heads of Departments / All Collectors & Sub-Collectors.**

**By order of the Governor**  
Sd/-  
**(TARADATT)**  
**Commissioner – cum - Secretary to Government**



**Government of Orissa**  
**ST & SC Development Department**

No. 6182 /SSD , Bhubaneswar, dated the 15<sup>th</sup> February, 2008  
TD - II - 3/08

From

Shri A.K. Tripathy, IAS,  
Chief Secretary, Orissa

To

All Collectors.

**Sub: Implementation of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 and Rules framed there under.**

**Ref: This Department Resolution No.4694 dated. 1.2.08**

Sir,

You are aware that the Schedule Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 has become operational after notification of the Scheduled Tribes and Other Forest Dwellers (Recognition of Forest Rights) Rules, 2007 with effect from 1.1.08. The law provides for recognition of forest rights to Scheduled Tribes in occupation of the Forest land prior to 13.12.05 and to other traditional forest dwellers who are in occupation of the forest land for at least 3 generations i.e. 75 years, up to maximum of 4 hectares. These rights are heritable but not alienable or transferable.

2. The major forest rights provided by the law include right to hold and live in the forest land under the individual or common occupation for habitation, and self cultivation for livelihood, right of ownership, access to use or dispose of minor forest produce, community rights of uses or entitlements such as fish and other products of water bodies and grazing etc. and any other traditional right customarily enjoyed by the forest dwellers excluding the right of hunting, trapping or extracting a part of body of any wild animal.

3. As per the procedure prescribed by the law and rules framed thereunder, the Gram Sabha (Palli Sabha) is the competent authority to initiate the process of determining the nature and extent of forest rights of individuals / community. The Gram Sabha to be convened by the Gram Panchayats in its first meeting is required to elect from amongst its members not less than 10 but not exceeding 15 persons as members of the Forest Rights Committee which will decide a Chairperson and a Secretary and intimate it to the Sub-Divisional Level Committee.

4. As per Rule-4 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2007, the Gram Sabha has to initiate the process of determining the nature and extent of forest rights receive and hear the claims relating thereto.

The Gram Sabha is required to maintain a register containing the list of claimants of forest rights with details of their claims. A copy of the format of Register of Forest Rights Claims in this regard is enclosed at **Annexure-I**. The Gram Sabha has to pass the resolution on claims of forest rights after giving reasonable opportunity to the interested persons and authorities concerned and forward the same to the Sub-Divisional Level Committee. The inputs given by the Forest Rights Committee are naturally to be taken into account while passing the resolution. The forum of the Gram Sabha meeting for passing resolutions shall be not less than 2/3<sup>rd</sup> of its members. All the Government Departments / Authorities are duty bound to assist the Gram Sabha in examining the claims of individuals on forest rights.

5. The resolution passed by Gram Sabha is to be forwarded to the Sub-divisional Level Committee which is also responsible for providing information to each Gram Sabha about their duties and duties of holders of forest rights and towards protection of wild life, forest and bio-diversity, forest and revenue maps, electoral rolls etc. in addition to collating all resolutions of the concerned Gram Sabhas and examining the resolutions in terms of veracity of claims before forwarding the claims with draft record to the District Level Committee for final decision. The Sub-Divisional Level Committee is also responsible for providing forms- A & B (Annexure-II in Rule 6 (I)) to the claimants.

6. The District Level Committee is requested to ensure that the requisite information under clause (b) of Rules 6 has been provided to the Gram Sabha or to the Forest Rights Committee. The final authority to approve the claims and record of forest rights prepared by Sub-Divisional Level Committee or to hear petition of the persons aggrieved by the Sub-Divisional Level Committee rests with the District Level Committee. It is necessary that the District Level Committee submits Monthly Progress Report (MPR) on implementation of Scheduled Tribes and Other Forest Dwellers (Recognition of Forest Rights) Act, 2006 in the prescribed format (**Annexure-II**). A copy of the MPR may be submitted by the Project Administrators of ITDAs and District Welfare Officers, as the case may be in the zonal review meetings.

7. In the Resolution No.4694/ SSD, dated 1.2.08 of ST & SC Development Department, Sub-Divisional Level and District Level Committees have been constituted. The Sub-Divisional Level Committee includes 3 members of Panchayat Samiti to be nominated by the Zilla Parishad and at least 2 of them have to be Scheduled Tribe, preferably those who are forest dwellers or who belong to primitive tribal groups. Similarly, the District Level Committee includes 3 members of Zilla Parishad (to be nominated by Zilla Parishad) and at least 2 of them have to be Scheduled Tribe, preferably those who are forest dwellers or who belong to primitive tribal groups. It is necessary that the Sub-Divisional and District Level Committees indicating the members nominated by respective Zilla Parishads are further notified by the District Administration for absolute clarity and copies of the notifications are given to persons concerned. Copies of the notifications containing names of Sub-Divisional and District Level Committees members should be furnished to the Government in ST & SC Development Department within a fortnight positively.

8. It is also necessary that the first Gram Sabha meeting is held within a fortnight to constitute the Forest Rights Committees as per provisions under Rule-3 of Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2007.

9. Senior officials of 10 districts with majority of tribes representing Forest, Revenue, Panchayati Raj and ST & SC Development Departments attended a 'Training of Trainers' Workshop held at the State Level on 3.2.08. It is necessary to form groups of trainers consisting of these officers which could impart further training to officials and non-officials at the Block / G.P. level. Services of these trained officers may also be utilized for tainting the officials and non-officials of neighboring Districts/ Blocks.

10. You are requested to specify the members of District and Sub-Divisional level Committees and implement the provisions of the Act and Rules. It may please be noted that the implementation of the Scheduled Tribes & Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 shall be reviewed in the zonal meetings by Commissioner-cum-Secretary, ST & SC Development Department regularly. The progress reports received from the District Level Committees will be consolidated at the State Level by ST & SC Development Department and placed for consideration of the State Level Monitoring Committee constituted under the Chairmanship of Chief Secretary, at regular interval. The Formats prescribed under the Rules should be used for maintaining records and other processes. Copies of the Act and Rules in English as well as in Oriya language are once again enclosed herewith for necessary reference. You may consider printing the required number of copies of the Act and Rules for distribution among the various stake holders i.e. Zilla Parishad members, Panchayat Samiti members, Gram Panchayat members, Gram Sabhas etc.

Receipt of this letter may please be acknowledged

Yours faithfully,

Sd/-  
Chief Secretary.

Memo No. 6183 /SSD, Bhubaneswar dated the 15<sup>th</sup> February '08

Copy forwarded to Principal Secretary, Forest & Environment Department/ Commissioner-cum- Secretary, Revenue & DM Department / Panchayati Raj Department/ Principal CCF (Wild Life) for information and necessary action. They are requested to issue instructions to their field functionaries to involve themselves in the process of implementing the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.

Sd/-  
Chief Secretary

**ଓଡ଼ିଶା ସରକାର,**  
**ପଞ୍ଚାୟତି ରାଜ ବିଭାଗ**  
**ନଂ. ୮୫୦୪/ପି.ଆର୍.ଡା-୨୧.୨.୨୦୦୮**

ପ୍ରେରକ,

ଶ୍ରୀ ରବୀନ୍ଦ୍ର ନାଥ ଦାଶ,  
କମିଶନର ତଥା ଶାସନ ସଚିବ

ପ୍ରାପ୍ତେଷୁ,

ସମସ୍ତ ସରପଞ୍ଚ

ବିଷୟ: ଅନୁସୂଚିତ ଜନଜାତି ଏବଂ ଅନ୍ୟାନ୍ୟ ପାରମ୍ପରିକ ବନବାସୀଙ୍କ (ଜଙ୍ଗଲ ଅଧିକାର ସାବୁତି) ଆଇନ୍, ୨୦୨ ଏବଂ ତତ୍ ଅନ୍ତର୍ଗତ ଅନୁସୂଚିତ ଜନଜାତି ଏବଂ ଅନ୍ୟାନ୍ୟ ପାରମ୍ପରିକ ବନବାସୀଙ୍କର (ଜଙ୍ଗଲ ଅଧିକାର ସାବୁତି) ନିୟମ, ୨୦୦୭ ଆଧାରରେ ଜଙ୍ଗଲ ଅଧିକାର ଜମିଟି ଗଠନ, ଗ୍ରାମ ପଞ୍ଚାୟତ ଏବଂ ଗ୍ରାମ ସଭାର ଦାୟିତ୍ୱ ଭତ୍ୟାଦି ସମ୍ବନ୍ଧରେ ।

ମହାଶୟ/ମହାଶୟା,

ନିର୍ଦ୍ଦେଶପ୍ରମେ ଗୁଁ କହିବାକୁ ଚାହେଁ ଯେ ପୁରୁଷାଦୁକ୍ରମେ ଜଙ୍ଗଲରେ ରହି ଆସୁଥିବା ଯେଉଁ ଅନୁସୂଚିତ ଜନଜାତି ଏବଂ ଅନ୍ୟାନ୍ୟ ପାରମ୍ପରିକ ବନବାସୀମାନଙ୍କର ଅଧିକାରକୁ ନଥିବୁଡ଼ି କରାଯାଇ ପାରିନାହିଁ, ସେହିମାନଙ୍କୁ ସେମାନଙ୍କର ଅଧିକୃତ ଜମି ଏବଂ ଜଙ୍ଗଲ ଅଧିକାରର ସାବୁତି ଦିଆଯିବା ଓ ଜଙ୍ଗଲ ଅଧିକାରର ନଥିବୁଡ଼ି କରିବା ନିମନ୍ତେ ଭାରତ ସରକାର ଉପରୋକ୍ତ ଲୋକାଭିମୁଖୀ ଆଇନ୍ ଓ ନିୟମ ପ୍ରଣୟନ କରିଅଛନ୍ତି । ଉକ୍ତ ଆଇନ୍ ରେ ଜଙ୍ଗଲ ଜମିର ସାବୁତି ପ୍ରଦାନ ଏବଂ ବନବାସୀମାନଙ୍କର ଅଧିକାର ସାବ୍ୟସ୍ତ ନିମନ୍ତେ ଆବଶ୍ୟକୀୟ ପ୍ରମାଣ ସହ ସେମାନଙ୍କର ଦୁର୍ଭିକ୍ଷତ ବ୍ୟବସ୍ଥାକୁ ମଧ୍ୟ ସାବୁତି ପ୍ରଦାନ ନିମନ୍ତେ ବ୍ୟବସ୍ଥା କରାଯାଇଅଛି । ଏହି ଆଇନ୍ ବଳରେ ପୈତୃକ ସମ୍ପତ୍ତି ଓ ବାସସୁଜା ଉପରୁ ପାରମ୍ପରିକ ଅଧିକାର ହରାଇଥିବା ଅନୁସୂଚିତ ଜନଜାତି ଏବଂ ଅନ୍ୟାନ୍ୟ ପାରମ୍ପରିକ ବନବାସୀମାନଙ୍କୁ ଚିହ୍ନିତ କରି ସେମାନଙ୍କ ଅଧିକୃତ ଜମି ଏବଂ ଜଙ୍ଗଲ ଅଧିକାରର ସାବୁତି ନିମନ୍ତେ ଗ୍ରାମ ପଞ୍ଚାୟତ ମାନଙ୍କର ସମ୍ପୂର୍ଣ୍ଣ ଦାୟିତ୍ୱ ବୁରୁଡ଼ିପୁର୍ଣ୍ଣ ଅଟେ ।

ଜଙ୍ଗଲ ଅଧିକାର କ୍ଷମତା ପ୍ରଦାନ ନିମନ୍ତେ କଟୁଡ଼ି ଏବଂ କାର୍ଯ୍ୟପତ୍ର ଆଇନ୍‌ର ତତ୍ପ୍ରଥମ ପରିଚ୍ଛେଦରେ ବର୍ଣ୍ଣିତ ହୋଇଅଛି । ନିୟମାନୁଯାୟୀ ଗ୍ରାମସଭା ଜଙ୍ଗଲ ଅଧିକାରର ବୁରୁଡ଼ି ଓ ପ୍ରକାର ଭେଦ ନିର୍ଦ୍ଧାରଣ ନିମନ୍ତେ ପ୍ରଥମେ କାର୍ଯ୍ୟପତ୍ର ଆଇନ୍ କରିବେ ଏବଂ ସେ ସମ୍ପର୍କିତ ଅଭିଯୋଗ ବୁଝିବ ପ୍ରଦତ୍ତ କରି ଶୁଣାଣି

କରିବେ । ଏଠାରେ ସୂଚିତ କରାଯାଏ ଯେ ଇନ୍ଦ୍ର ଆଇନରେ ଥିବା “ଗ୍ରାମସଭା”ର ଅର୍ଥ ଓଡ଼ିଶା ଗ୍ରାମ ପଞ୍ଚାୟତ ଆଇନ୍ ଧାରା “୬”ରେ ଥିବା “ପଲ୍ଲୀସଭା” ପ୍ରକାରେ ଦୁଇିବା ବିଧେୟ ଅଟେ । ଏଥି ନିମନ୍ତେ ଗ୍ରାମ ପଞ୍ଚାୟତ ଦ୍ୱାରା ଗ୍ରାମ ସଭା “ପଲ୍ଲୀସଭା”ଆଦୃତ କରାଯିବ । ପ୍ରଥମ ବୈଠକରେ ଗ୍ରାମସଭା (ପଲ୍ଲୀସଭା) ଏହାର ସଭ୍ୟ / ସଭ୍ୟାମାନଙ୍କ ମଧ୍ୟରୁ ଅତି କମ୍ରେ ୧୦ଜଣ ଓ ଅତି ବେଶିରେ ୧୫ଜଣକୁ ନିର୍ବାଚିତ କରି “ଜଙ୍ଗଲ ଅଧିକାର କମିଟି” ନାମରେ ଏକ କମିଟି ଗଠନ କରିବେ । ଏହି କମିଟି ଏକଟି ଭାବରେ ଗଠନ କରାଯିବ ଯେପରି ଏହାର ଏକ ତୃତୀୟାଂଶ ସଭ୍ୟ ଅନୁସୂଚିତ ଜନଜାତି ହୋଇଥିବେ ଏବଂ ଏକ ତୃତୀୟାଂଶ ମହିଳା ସଦସ୍ୟ ଥିବେ । ପୁନଶ୍ଚ ଏଠାରେ ସୁଚାଇ ଦିଆଯାଇପାରେ ଯେଉଁଠାରେ ଅନୁସୂଚିତ ଜନଜାତି ନଥିବେ ସେଠାରେ ଅତି କମ୍ରେ ଏକ ତୃତୀୟାଂଶ ମହିଳା ସଦସ୍ୟା ନେଇ କମିଟି ଗଠନ କରାଯାଇ ପାରିବ । “ଜଙ୍ଗଲ ଅଧିକାର କମିଟି” ସେମାନଙ୍କ ମଧ୍ୟରୁ ଜଣକୁ ସଭାମୁଖ୍ୟ ତୟନ କରିବେ ଏବଂ ଆଉ ଜଣକୁ ସଚିବ ରୂପେ ତୟନ କରି ଏ ସମ୍ପର୍କୀୟ ସୂଚନା ଉପଖଣ୍ଡ ପ୍ରକାଶ ଜଙ୍ଗଲ ଅଧିକାର କମିଟିକୁ ପ୍ରଦାନ କରିବେ ।

ଜଙ୍ଗଲ ଅଧିକାର କମିଟି ଉପରୋକ୍ତ ନିୟମର ସମ୍ପୂର୍ଣ୍ଣ ପତ୍ରରେ ନିର୍ଦ୍ଧାରିତ ହୋଇଥିବା ଚତ୍ ସପକ୍ଷରେ ଥିବା ପ୍ରମାଣ ଫର୍ମରେ ଅଭିଯୋଗ ଗ୍ରହଣ କରି ତାହାର ଲିଖିତ ପ୍ରାପ୍ତି ସାକାର କରିବେ । ଅଭିଯୋଗକାରୀମାନଙ୍କର ଏକ ତାଲିକା ପ୍ରସ୍ତୁତ କରିବେ । ମାନଚିତ୍ର ସମେତ ଅଭିଯୋଗ ଓ ପ୍ରମାଣର ରେକର୍ଡ୍ ପ୍ରସ୍ତୁତ କରିବେ । ଅଭିଯୋଗ ଗୁଡ଼ିକୁ ତଦାରଖ କରି ଏହାର ପ୍ରଭାବ ଓ ସରୁପ ସମ୍ବନ୍ଧୀୟ ତଥ୍ୟ ପଲ୍ଲୀସଭା ସମ୍ମୁଖରେ ବିଚାର ନିମନ୍ତେ ଉପସ୍ଥାପନ କରିବେ । ଏତଦ୍ ବ୍ୟତୀତ ରୋଷାଗତ ଜଙ୍ଗଲ ଅଧିକାର ପାଇଁ ଜଙ୍ଗଲ ଅଧିକାର କମିଟି ଗ୍ରାମସଭା ତରଫରୁ ଅଭିଯୋଗ ଗୁଡ଼ିକୁ ପ୍ରସ୍ତୁତ କରିବେ । ଜଙ୍ଗଲ ଅଧିକାର କମିଟି ଦ୍ୱାରା ଉପସ୍ଥାପିତ ଅଭିଯୋଗ ଗୁଡ଼ିକ ଉପରେ ବିଚାର କରୁଥିବା ସମୟରେ ପଲ୍ଲୀସଭା ସମ୍ପୂର୍ଣ୍ଣ ବିଭାଗୀୟ କର୍ତ୍ତୃପକ୍ଷ ଏବଂ ସାର୍ଥ କର୍ତ୍ତୃତ/ଆଗ୍ରହୀ ସମ୍ପୂର୍ଣ୍ଣ ବ୍ୟକ୍ତି ବିଶେଷକୁ ମଧ୍ୟ ଶୁଣିବାପାଇଁ ଯଥୋଚିତ ସୂଯୋଗ ପ୍ରଦାନ କରିବେ ଏବଂ ସମସ୍ତ ଶୁଣାଣି ପରେ ପଲ୍ଲୀସଭା ଦ୍ୱାରା ଗୃହୀତ ଅଭିଯୋଗ ଗୁଡ଼ିକ ଉପରେ ପ୍ରସ୍ତାବ ଗୃହୀତ ହେବ । ପଲ୍ଲୀସଭା ଦ୍ୱାରା ଗୃହୀତ ପ୍ରସ୍ତାବ ଗ୍ରାମ ପଞ୍ଚାୟତ ସମ୍ପାଦକଙ୍କ ମାଧ୍ୟମରେ ଉପଖଣ୍ଡ ପ୍ରକାଶ ଜଙ୍ଗଲ ଅଧିକାର କମିଟିକୁ ବିଚାର ନିମନ୍ତେ ପଠାଇବେ । ପଲ୍ଲୀସଭା ମଧ୍ୟ ଅଭିଯୁକ୍ତମାନଙ୍କର ବିବରଣୀର ଏକ ରେକର୍ଡ୍ସର ଖୋଲିବେ ଏବଂ ରେକର୍ଡ୍ସରେ ଏକତ୍ର କରାଯାଇଥିବା ଏଯୋଜିକା ଅନୁଯାୟୀ ପ୍ରସ୍ତୁତି କରି ତାକୁ ରଖିବେ ।

ଓଡ଼ିଶା ଗ୍ରାମ ପଞ୍ଚାୟତ ଆଇନ୍, ୧୯୬୪ର ଧାରା “୬”ରେ ଉଦ୍ଦିଷ୍ଟ ପଲ୍ଲୀସଭା ନିମନ୍ତେ କୋରମ୍ ବ୍ୟବସ୍ଥା ଯାହାକି ସମସ୍ତ ସଭ୍ୟ ଏବଂ ସଭ୍ୟାଙ୍କର ଏକ ଦଶମାଂଶ ଉପସ୍ଥାନ, ଏହି କ୍ଷେତ୍ରରେ ପ୍ରଯୁଜ୍ୟ ନୁହେଁ । ଏଥି ନିମନ୍ତେ କୋରମ୍ ପାଇଁ ପଲ୍ଲୀସଭାର ସମସ୍ତ ସଭ୍ୟ / ସଭ୍ୟାମାନଙ୍କର ଦୁଇ ତୃତୀୟାଂଶ ଠାରୁ ଅଧିକ ସଭ୍ୟମାନଙ୍କର ଉପସ୍ଥାପନ ବିଧେୟ ଅଟେ ।

ଉପରୋକ୍ତ ବୃତ୍ତେ ଏବଂ ଆଇନର ବିଭିନ୍ନ ବିଭାଗରେ ଜନ ସଚେତନତା ସୃଷ୍ଟିପାଇଁ ଓ ନିର୍ଦ୍ଦିଷ୍ଟଭାବେ ଜଙ୍ଗଲ ଅଧିକାର ହରାଇଥିବା ଅନୁସୂଚିତ ଜନଜାତି ଏବଂ ପାରମ୍ପରିକ ବନବାସୀମାନେ ଏହି ଆଇନ ପରିସରରେ କିପରି ସହଜରେ ସେମାନଙ୍କର ଦାବି ଉପସ୍ଥାପନ କରିପାରିବେ ସେଥି ନିମନ୍ତେ ଗ୍ରାମ ପଞ୍ଚାୟତମାନେ ସମ୍ପୂର୍ଣ୍ଣ ପ୍ରକୃତ୍ୱର ହେବେ ଯଥା: ଓଡ଼ିଶା ମେମ୍ବରମାନଙ୍କୁ ଗ୍ରାମ ପଞ୍ଚାୟତରେ ଆଲୋଚନା ମାଧ୍ୟମରେ ଏହି ଆଇନର ଉପାଦେୟତା ସମ୍ପର୍କରେ ଅବଗତ କରାଇବେ । ଯଦୂରାଦି ଓଡ଼ିଶା ମେମ୍ବର ମାନେ ନିଜର ଓଡ଼ିଶା ଅନ୍ତର୍ଗତ ଗ୍ରାମବାସୀମାନଙ୍କୁ ସଠିକ୍ ଦିଗ୍ ଦର୍ଶନ ଦେଇ ପାରିବେ । ଗ୍ରାମ ପଞ୍ଚାୟତ ନୋଟିସ୍ ବୋର୍ଡ଼ରେ ଆବେଦନ ଫର୍ମରେ ଅବିକଳ ନକଲ ସମ୍ବନ୍ଧରେ ସୂଚନା ଦେବେ ଏବଂ ଆବଶ୍ୟକୀୟ ଫର୍ମ ଆବେଦନକାରୀଙ୍କୁ ଯୋଗାଇ ଦେବେ । ଏହି ଆଇନର କାର୍ଯ୍ୟକାରୀତା ପାଇଁ ଯଥା ସମୟରେ ପଲ୍ଲୀସଭା ଏବଂ ଜଙ୍ଗଲ ଅଧିକାର କମିଟିର ବୈଠକ ସମ୍ପାଦିତ ହେବ । ଏହି ଆଇନର କାର୍ଯ୍ୟକାରୀତା ପାଇଁ ଯଥା ସମୟରେ ପଲ୍ଲୀସଭା ଏବଂ ଜଙ୍ଗଲ ଅଧିକାର କମିଟିର ବୈଠକ ସମ୍ପାଦିତ ହେବ । ସରପଞ୍ଚମାନେ ଏସ୍ପ୍ରତି ଦୃଷ୍ଟି ଦେବେ ଏବଂ ଏହି ସମକ୍ଷୀୟ ସମସ୍ତ ସୂଚନା ଜିଲ୍ଲା ପଞ୍ଚାୟତ ଅଧିକାରୀଙ୍କୁ ପ୍ରେରଣ କରିବେ ।

ଏହି ଆଇନ ନୂତନଭାବେ କାର୍ଯ୍ୟକାରୀ ହେଉଥିବାରୁ, ଗ୍ରାମ ପଞ୍ଚାୟତ ଏବଂ ପଲ୍ଲୀସଭା ଆଇନର ବିଭିନ୍ନ ଦିଗ ଏବଂ ଏହି ଆଇନରେ ସେମାନଙ୍କ ଉପରେ ନ୍ୟସ୍ତ ଭୂମିକା ଓ ଦାୟିତ୍ୱ ସମ୍ପର୍କରେ ସମ୍ପୂର୍ଣ୍ଣ ଅବଗତ ହେବା ଆବଶ୍ୟକ । ଏଥି ନିମନ୍ତେ ଅନୁସୂଚିତ ଜନଜାତି ଏବଂ ଅନୁସୂଚିତ ଜାତି ଉନ୍ନୟନ ବିଭାଗ ତାଙ୍କ ଚିଠି ଫଖ୍ୟା - ୭୧୮୨ ତା ୧୫.୨.୨୦୦୮ ରିଖରେ, ଗ୍ରାମ ପଞ୍ଚାୟତ ଏବଂ ପଲ୍ଲୀସଭା ପାଇଁ ଆବଶ୍ୟକ ଆଇନ ଓ ନିୟମ ପୁସ୍ତିକା ଯୋଗାଇ ଦେବାପାଇଁ ଜିଲ୍ଲାପାଳମାନଙ୍କୁ ନିର୍ଦ୍ଦେଶ ଦେଇଅଛନ୍ତି । ଆଇନ ଏବଂ ନିୟମରେ ଥିବା କାର୍ଯ୍ୟକାରୀତାକୁ ଦୂରାନ୍ୱିତ କରିବା ନିମନ୍ତେ ଭାରତ ସରକାର ସମଗ୍ର ଦେଶରେ ତା ୨୮.୨.୨୦୦୮ ରିଖରେ ଏହା ସମକ୍ଷୀୟ ପଲ୍ଲୀସଭା ମାନ ଅନୁଷ୍ଠିତ କରିବା ପାଇଁ ପ୍ରସ୍ତାବ ଜାରି କରିଅଛନ୍ତି । ତେଣୁ ଆମ ରାଜ୍ୟରେ ଉକ୍ତ ଦିନ ସତରଞ୍ଜାବେ ଗ୍ରାମସଭା (ପଲ୍ଲୀସଭା)ମାନ ଅନୁଷ୍ଠିତ କରିବାପାଇଁ ଗ୍ରାମ ପଞ୍ଚାୟତମାନେ ଆବଶ୍ୟକ ପଦକ୍ଷେପ ଗ୍ରହଣ କରିବାପାଇଁ ନିର୍ଦ୍ଦେଶ ଦିଆଗଲା । ଏହି ନିର୍ଦ୍ଦେଶକୁ କରୁଣା ରୂପେ ବିବେଚନା କରାଯାଇ ପାଳନ କରିବାକୁ ନିର୍ଦ୍ଦେଶ ଦିଆଗଲା ।

ଆପଣଙ୍କ ବିଶ୍ୱସ୍ତ,  
 ରବୀନ୍ଦ୍ର ନାଥ ଦାଶ,  
 ଜମିଜମିନ ତଥା ଶାସନ ସଚିବ,  
 ପଞ୍ଚାୟତି ରାଜ ବିଭାଗ

ସ୍ଥାପକ ଫଖ୍ୟା ୮୫୦୫/ ପି.ଆର. ତା - ୨୧.୨.୨୦୦୮

ଏହାର ଏକକିତା ନକଲ ସମସ୍ତ ଜିଲ୍ଲାପାଳ / ପ୍ରକୃତ ନିର୍ଦ୍ଦେଶକ, ଡି.ଆର୍.ଡି.ଏ/ଜିଲ୍ଲା ପସାୟତ ଅଧିକାରୀ/ଉପଜିଲ୍ଲାପାଳ/ମଣ୍ଡଳ ଉନ୍ନୟନ ଅଧିକାରୀମାନଙ୍କ ଅବଗତ ଓ ବିହିତ କାର୍ଯ୍ୟାନୁଷ୍ଠାନ ପାଇଁ ପ୍ରେରଣ କରାଗଲା ।

ମଣ୍ଡଳ ଉନ୍ନୟନ ଅଧିକାରୀ ପ୍ରତ୍ୟେକ ସରପଞ୍ଚମାନଙ୍କୁ ଏହି ଆଦେଶର ନକଲ ଦ୍ୱାରା ପ୍ରେରଣ କରିବାକୁ ଅନୁରୋଧ ।

ଉଦାତ୍ତ ନାଥ ଦାଶ,  
ଜମିଣିନର ତଥା ଶାସନ ସଚିବ,

ସାପକ ସଂଖ୍ୟା ୮୫୦୭/ ପି.ଆର୍. ଡା - ୨୧.୨.୨୦୦୮

ଏହାର ଏକକିତା ନକଲ ଶାସନ ସଚିବ, ଅନୁସୂଚିତ ଜନଜାତି ଓ ଅନୁସୂଚିତ ଜନଜାତି ଉନ୍ନୟନ ବିଭାଗ/ରାଜସ୍ୱ ଓ ବିପର୍ଯ୍ୟୟ ପରିଚାଳନା ବିଭାଗ/ଜଙ୍ଗଲ ଓ ପରିବୋ ବିଭାଗ/ସମସ୍ତ ରାଜସ୍ୱ ଡିଭିଜନାଲ ଜମିଣିନର ମାନଙ୍କ ଅବଗତ ଓ ବିହିତ କାର୍ଯ୍ୟାନୁଷ୍ଠାନ ପାଇଁ ପ୍ରେରଣ କରାଗଲା ।

ଉଦାତ୍ତ ନାଥ ଦାଶ,  
ଜମିଣିନର ତଥା ଶାସନ ସଚିବ,

**Government of Orissa**  
**Revenue & Disaster Management Department**

...

No.GE(GL)S-22/2007/9775/R&DM

Date:25.2.2008

From

**G V V Sarma,**  
**Commissioner-cum-Secretary to Government.**

To

**All Collectors.**

Sub: **Implementation of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 and Rules framed thereunder.**

Ref: **ST & SC Development Department Resolution No.4694 dtd.1.2.2008 and Chief Secretary's Circular No.6182/SSD dtd.15.2.2008.**

Sir,

With reference to the above, I am directed to state that high priority must be accorded by the Collector to pay personal attention for proper implementation of the Act and the Rules in your district. You are in particular requested to chalk out training programme within your district, so that officers of Panchayati Raj, Revenue, ST & SC Development and Forest & Environment are brought together and are made clearly aware of the rules, responsibilities and procedures. In this regard, a list of trainers who have participated in the Trainers Training Workshop at Bhubaneswar on 2.2.208 is enclosed herewith for your ready reference. You may try to associate the trainers who are working in your district or in neighboring districts in order to ensure speedy implementation.

2. You are aware of the experience of T.N.Godayarman case before the Supreme Court of India. Even though District Level Committees under the Chairmanship of the Collectors were formed under the dispensation of the Forest Service Act, large number of unresolved grievances have still remained in respect of people whose rights have now been recognized under the STOTFD (RFR) Act. Therefore, all the committees formed under the Act need to function effectively for discharge of their duties, so that the legitimate demands can be made within the overall ambit of law.

3. You may note that when a person submits his/her claim before the Forest Rights Committee or before the Gram Sabha and the Gram Sabha considers their claim and makes appropriate recommendation, there is no requirement of the map to be of proper scale. However, you are requested to ensure that from the stage of Sub-Divisional Level Committee onwards, the recommendations of the Gram Sabha are converted into proper map with proper scale and super imposed on the village map, in order to ensure that the District Level Committee is able to take decision in a clear and transparent manner, which can withstand scrutiny as may be required. You need to ensure that required personnel like Amins are deployed for this purpose to assist the Sub-divisional Committee.



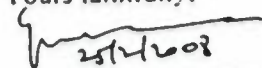
4. You may note that the rights recognized under the Act are not only land rights, but various specified rights as at Section 3(1)(a) to (m). As these rights are recognized without any encumbrances as required under Section-4(7) of the Act, it is imperative that all the Gram Sabha/Forest Rights Committees are provided with copies of the village map, whether they are maintained at the Tahasil office or they are maintained by the forest machinery. You may note that the Act is applicable not only for Reserved Forests/Protected Forests/Wildlife Sanctuary, but also for all forest land as defined under the Act, which includes Patra Jungle and Gramya Jungle etc., which fall under the books of the Revenue Department. It is therefore, requested to take advance steps anticipating the requirement U/r 12(4) so that authentic copy of documents/record/map is made available to the Gram Sabhas/Forest Rights Committees: free of cost.

5. Your attention is also invited to an important stipulation that Bamboo and Kenduleaf stand defined as minor forest produce under Section-7(1) of the Act.

6. You may be aware that Government of India in the Planning Commission have brought out with a National Policy on the Voluntary Sector. As per this Policy, voluntary organisations include formal as well as informal groups, such as: community-based organisations (CBOs); non-governmental development organizations; support organisations; networks or federations of such organisations; as well as professional membership associations. The Policy suggests three instruments of partnership, viz. (i) consultation, through a formal process of interaction at the Centre, State and District level; (ii) strategic collaboration to tackle complex interventions where sustained social mobilization is critical over the long term; and (iii) project funding through standard schemes. As this Act demands a high level of public participation (66.7% attendance in the Panchayat/Gram Sabha) it is imperative that proactive steps are taken to see that the community at large understands the importance of this Act. It will therefore be helpful to associate credible voluntary organizations with previous track record in your district.

7. The schedule of the training programme at your district level may please be finalised and intimated to the nodal department i.e. ST & SC Development Department with a copy to the undersigned. You may also offer any suggestions for better implementation.

Yours faithfully,

  
25/2/2008

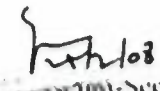
Commissioner-cum-Secretary to Government.

Encl: as stated.

Memo No 9776 R&DM

Date: 25.2.2008

Copy to Principal Secretary, Forest and Environment Deptt./Commissioner-cum-Secretary to Government, ST & SC Development Department/Commissioner-cum-Secretary to Government, Panchayati Raj Department R.D.C., Central Division, Cuttack R.D.C., Northern Division, Sambalpur R.D.C., Southern Division, Berhampur for information.

  
Commissioner-cum-Secretary to Government

# ଓଡ଼ିଶା ସରକାର ପଞ୍ଚାୟତି ରାଜ ବିଭାଗ

ନଂ. ୯୧୫୩/ପି.ଆର. ତା ୨୭/୦୨/୨୦୦୮

୦୦୦.୧୩-୭/୨୦୦୮

ପ୍ରେମକ,

ଶ୍ରୀ ରବିନାରାୟଣ ଦାଶ, ଆଇ.ଏ.ଏସ୍.

କମିଶନର ତଥା ଶାସନ ସଚିବ

ପ୍ରାପ୍ତେଷୁ,

ସମସ୍ତ ସରପଞ୍ଚ

ବିଷୟ: ଅନୁସୂଚିତ ଜନଜାତି ଏବଂ ଅନ୍ୟାନ୍ୟ ପାରମ୍ପରିକ ବନବାସୀଙ୍କର (ଜଙ୍ଗଲ ଅଧିକାର ସାବୁତି) ଆଇନ ୨୦୦୬ ଏବଂ ତତ୍ ଅନ୍ତର୍ଗତ ଅନୁସୂଚିତ ଜନଜାତି ଏବଂ ଅନ୍ୟାନ୍ୟ ପାରମ୍ପରିକ ବନବାସୀଙ୍କର (ଜଙ୍ଗଲ ଅଧିକାର ସାବୁତି) ନିୟମ, ୨୦୦୭ ଆଧାରରେ ପଲ୍ଲୀସଭା ଆନୁତ କରିବା ସମ୍ପର୍କରେ ।

ମହାଶୟ,

ନିର୍ଦ୍ଦେଶକ୍ରମେ ମୁଁ କହିବାକୁ ଚାହେଁ ଯେ, ପୈତୃକ ସମ୍ପତ୍ତି ଓ ବାସସ୍ଥଳୀ ଉପରୁ ପାରମ୍ପରିକ ଅଧିକାର ନଥିବା ଅନୁସୂଚିତ ଜନଜାତି ଏବଂ ଅନ୍ୟାନ୍ୟ ପାରମ୍ପରିକ ବନବାସୀମାନଙ୍କୁ ଚିହ୍ନଟ କରି ସେମାନଙ୍କ ଅଧିକୃତ ଜମି ଏବଂ ଜଙ୍ଗଲ ଅଧିକାରର ସାବୁତି ନିମନ୍ତେ ଭାରତ ସରକାର ଉପରୋକ୍ତ ଆଇନ୍ ପ୍ରଣୟନ କରିଛନ୍ତି । ଉକ୍ତ ଆଇନ ତା ୧.୧.୨୦୦୮ ରିଖ୍ ଠାରୁ କାର୍ଯ୍ୟକାରୀ ହେଉଅଛି । ଉକ୍ତ ଆଇନରେ ଥିବା ବ୍ୟବସ୍ଥା ଏବଂ ଗ୍ରାମ ପଞ୍ଚାୟତ ଓ ପଲ୍ଲୀ ସଭାର ଦାୟିତ୍ୱ ସମ୍ପର୍କରେ ହରିଜନ ଓ ଆଦିବାସୀ ଉନ୍ନୟନ ବିଭାଗ ତାଙ୍କର ପତ୍ର ଫଖ୍ୟା-୬୧୮୨ ତା ୧୫-୦୨-୨୦୦୮ ରିଖ୍ରେ ସମସ୍ତ ବିଷୟ ଉଲ୍ଲେଖ କରିଅଛନ୍ତି । ତାହାର ଏକ ନକଲ ଏଥିସହ ଫାଇଲ୍ କରାଗଲା । ଏହା ମଧ୍ୟ ପଞ୍ଚାୟତିରାଜ ବିଭାଗ ଓଡ଼ିଶା ସରକାରରେ ଉପଲବ୍ଧ ଅଟେ ।

ଉକ୍ତ ଆଇନରେ ଥିବା ବ୍ୟବସ୍ଥାନୁଯାୟୀ ପ୍ରତ୍ୟେକ ପଞ୍ଚାୟତ ଆଇନର ବିଭିନ୍ନ ବ୍ୟବସ୍ଥା ସମ୍ପର୍କରେ ପଲ୍ଲୀସଭାକୁ ଅବଗତ କରାଇ “ଜଙ୍ଗଲ ଅଧିକାର କମିଟି” ଚୟନ ନିମନ୍ତେ ପ୍ରତ୍ରିୟା ଶ୍ରେଷ୍ଠ କରିବା ପାଇଁ ପଲ୍ଲୀସଭାମାନ ଅନୁକ୍ଷିତ କରିବା ଆବଶ୍ୟକ ହେଉଅଛି । ଏଥି ନିମନ୍ତେ ରାଜ୍ୟ ସରକାର ରାଜ୍ୟର ସମସ୍ତ ପଞ୍ଚାୟତରେ ଦୁଇଟି ପର୍ଯ୍ୟାୟରେ ତା ୧୬.୦୩.୨୦୦୮ ଏବଂ ତା ୨୩.୦୩.୨୦୦୮ ରିଖ୍ରେ ଏହି ପଲ୍ଲୀସଭାମାନ ଅନୁକ୍ଷିତ କରିବା ପାଇଁ ଦିନ ଧାର୍ଯ୍ୟ କରିଅଛନ୍ତି । ଦୁଇ ଅଧିକରେ ଥିବା କେଉଁ କେଉଁ

ପଞ୍ଚାୟତରେ କେଉଁ କେଉଁ ଦିନ ପଲ୍ଲୀସଭା ଅନୁଷ୍ଠିତ କରାଯିବ ତାହାର ଏକ ବାର୍ତ୍ତାପତ୍ର ତା  
୦୧/୦୩/୨୦୮ ରିଖ ସୁଦ୍ଧା ତୁଚ୍ଚାତ କରିବା ପାଇଁ ମନ୍ତ୍ରଣ ଉନ୍ମୟନ ଅଧିକାରୀଙ୍କୁ ଆବଶ୍ୟକୀୟ ନିର୍ଦ୍ଦେଶ  
ଦିଆଯାଇଅଛି ।

ଏଥି ନିମନ୍ତେ ମନ୍ତ୍ରଣ ଉନ୍ମୟନ ଅଧିକାରୀଙ୍କ ସହ ଯୋଗାଯୋଗ କରି ପଞ୍ଚାୟତ ଅନ୍ତର୍ଗତ ପଲ୍ଲୀ  
ମାନଙ୍କରେ ନିର୍ଦ୍ଦାରିତ ପଲ୍ଲୀସଭା ଦିବସରେ ଅନୁଷ୍ଠିତ କରିବାପାଇଁ ୧୫ ଦିନ ପୂର୍ବରୁ ନୋଟିସ୍ ଜାରି  
କରନ୍ତୁ ।

ଉକ୍ତ ବାର୍ତ୍ତାପତ୍ର ଏବଂ ପଞ୍ଚାୟତ ମାନଙ୍କର ସୁବିଧା ନିମନ୍ତେ ପଲ୍ଲୀସଭା ତାରିଖ ନୋଟିସ୍,  
ପଲ୍ଲୀସଭାର ବିବରଣୀ ଓ ଜଙ୍ଗଲ ଅଧିକାର କମିଟିର ସଭାର ନମୁନା ଏଥି ସହ ଫଳଗ୍ରୁ କରାଗଲା ।

ପଲ୍ଲୀସଭାମାନଙ୍କରେ ଯେପରି ପଲ୍ଲୀର ଦୁଇ ତୃତୀୟାଂଶରୁ ଅଧିକ ସଭ୍ୟ ଏବଂ ବହୁଜନାବଳରେ  
ଆଦିବାସୀ ଓ ମହିଳାମାନେ ଯୋଗ ଦିଅନ୍ତି ସେଥିପ୍ରତି ସରପଞ୍ଚମାନେ ଯତ୍ନବାନ ହେବେ ।

ଏ ସମ୍ପର୍କରେ ପଞ୍ଚାୟତିରାଜ ବିଭାଗରୁ ଆଜି ପର୍ଯ୍ୟନ୍ତ ଯେତେ ନିର୍ଦ୍ଦେଶନାମା ଇତ୍ୟାଦି ଜାରି  
କରାଯାଇଛି ତାହାକୁ ବାତିଲ କରାଗଲା ।

ଆପଣଙ୍କ ବିଶ୍ୱସ୍ତ  
ଶ୍ରୀପଦ ସଚିବ, ପଞ୍ଚାୟତିରାଜ ବିଭାଗ

ସ୍ଥାପକ ସଂଖ୍ୟା-୯୧୫୪/ପି.ଆର୍ ତା ୨୭/୦୨/୨୦୦୮  
ଏହାର ଏକ ନକଲ ହରିଜନ ଓ ଆଦିବାସୀ ଉନ୍ମୟନ ବିଭାଗ / ରାଜସ ଏବଂ ବିପର୍ଯ୍ୟୟ ପ୍ରଶମନ ବିଭାଗ  
ଏବଂ ଜଙ୍ଗଲ ଓ ପରିବେଶ ବିଭାଗର ଅବଗତି ନିମନ୍ତେ ପ୍ରେରଣ କରାଗଲା ।

ନିର୍ଦ୍ଦେଶକ, ପଞ୍ଚାୟତିରାଜ

ସ୍ଥାପକ ସଂଖ୍ୟା-୯୧୫୫/ପି.ଆର୍ ତା ୨୭/୦୨/୨୦୦୮  
ଏହାର ଏକ ନକଲ ସମସ୍ତ ଜିଲ୍ଲାପାଳ ମାନଙ୍କର ଅବଗତି ଏବଂ ବିହିତ ବାର୍ତ୍ତାପତ୍ରମାନ ନିମନ୍ତେ ପ୍ରେରଣ  
କରାଗଲା ।

ନିର୍ଦ୍ଦେଶକ, ପଞ୍ଚାୟତିରାଜ

ସ୍ଥାପକ ସଂଖ୍ୟା-୯୧୫୬/ପି.ଆର୍ ତା ୨୭/୦୨/୨୦୦୮

ଏହାର ଏକକିତା ନକଲ ସମସ୍ତ ଜିଲ୍ଲା ଉନ୍ନୟନ ସଂସ୍ଥାର ପ୍ରକଳ୍ପ ନିର୍ଦ୍ଦେଶକ / ଜିଲ୍ଲା ପଞ୍ଚାୟତ  
ଅଧିକାରୀମାନଙ୍କ ଅବଗତ ଏବଂ ବିହିତ କାର୍ଯ୍ୟାନୁଷ୍ଠାନ ନିମନ୍ତେ ପ୍ରେରଣ କରାଗଲା ।

ନିର୍ଦ୍ଦେଶକ, ପଞ୍ଚାୟତିରାଜ

ସ୍ଥାପକ ସଂଖ୍ୟା-୯୧୫୭/ପି.ଆର୍. ଡା ୨୬/୦୨/୨୦୦୮

ଏହାର ଏକ ନକଲ ସମସ୍ତ ମଣ୍ଡଳ ଉନ୍ନୟନ ଅଧିକାରୀଙ୍କର ଅବଗତ ଏବଂ ବିହିତ କାର୍ଯ୍ୟାନୁଷ୍ଠାନ ନିମନ୍ତେ  
ପ୍ରେରଣ କରାଗଲା ।

୨. ସମସ୍ତ ମଣ୍ଡଳ ଉନ୍ନୟନ ଅଧିକାରୀଙ୍କୁ ଏତଦ୍ୱାରା ନିର୍ଦ୍ଦେଶ ଦିଆଯାଉଅଛି ଯେ ସେମାନେ ନିଜ  
ବୁକ୍ ଅଭିର୍ଭୂତ କେଉଁ କେଉଁ ପଞ୍ଚାୟତରେ ୧୬ ବିନ୍ଦୁ ୨୩ ମାର୍ଚ୍ଚ ୨୦୦୮ ରିଖରେ ପଞ୍ଜୀକରଣ ଅନୁଷ୍ଠିତ  
ହେବ ତାହାର ଏକ କାର୍ଯ୍ୟସୂଚୀ ଧାର୍ଯ୍ୟକରି ସରପଞ୍ଚମାନଙ୍କୁ ଡା ୨୯-୦୨-୨୦୦୮ ରିଖ ପୂର୍ବରୁ  
ଜଣାଇବେ ଏବଂ ଉକ୍ତ କାର୍ଯ୍ୟ ସୂଚୀର ନକଲ ଉପଜିଲ୍ଲାପାଳ, ଜିଲ୍ଲାପାଳ ଏବଂ ଜିଲ୍ଲା ପ୍ରକଳ୍ପ  
ଅଧିକାରୀମାନଙ୍କର ଗୋଚରାର୍ଥେ ଜଣାଇବେ ଏବଂ ପଞ୍ଜୀକରଣରେ ବୁକ୍ ତରଫରୁ ଅର୍ପିତ ତଥା  
ସ୍ଥାନସେବକ ମାନଙ୍କର ତାଲିକା ପ୍ରସ୍ତୁତ କରି ପଞ୍ଜୀକରଣରେ ଯୋଗଦେବା ପାଇଁ ଆବଶ୍ୟକୀୟ ନିର୍ଦ୍ଦେଶ  
ପ୍ରଦାନ କରିବେ । ଏହି ସଭାରେ ଜଙ୍ଗଲ ଓ ପରିବେଶ ବିଭାଗ, ଜନକାଳି ଉନ୍ନୟନ ବିଭାଗ ଓ ରାଜସ୍ୱ  
ବିଭାଗର ସ୍ଥାନୀୟ ଅଧିକାରୀମାନେ ଯୋଗଦେଇ ଉପରୋକ୍ତ ଧାର୍ଯ୍ୟ ଦିନରେ ପଞ୍ଜୀକରଣର ସଦସ୍ୟମାନଙ୍କୁ  
ଉକ୍ତ ଆଇନ ସମ୍ବନ୍ଧରେ ସଚେତନ କରାଇବାପାଇଁ ବ୍ୟବସ୍ଥା କରିବେ ।

## ନୋଟିସ୍

ଏତଦ୍ୱାରା ଜଣାଇ ଦିଆଯାଉଛି ଯେ ତା.....ରିଖ ଦିନ ନିମ୍ନଲିଖିତ  
ବିଷୟ ଆଲୋଚନା ଏବଂ ପ୍ରସାର ନିମନ୍ତେ ..... ପଲ୍ଲୀରେ ପଲ୍ଲୀସଭା ଅନୁଷ୍ଠିତ  
ହେବ । ଏହି ନିମନ୍ତେ ସମସ୍ତ ପଲ୍ଲୀବାସୀଙ୍କୁ ଅନୁରୋଧ ସେମାନେ ସମସ୍ତ ବହୁସଂଖ୍ୟାରେ ଯୋଗଦାନ କରି  
ସଭାକୁ ସଫଳ କରିବେ ।

୧. “ଅନୁସୂଚିତ ଜନଜାତି ଓ ଅନ୍ୟାନ୍ୟ ପାରମ୍ପରିକ ବନବାସୀମାନଙ୍କର (ଜଙ୍ଗଲ ଅଧିକାର ସାକ୍ଷୁତି) ଆଇନ୍,  
- ୨୦୦୬ ଏବଂ ତଦ୍ୱର୍ତ୍ତୀତ “ଅନୁସୂଚିତ ଜନଜାତି ଓ ଅନ୍ୟାନ୍ୟ ପାରମ୍ପରିକ ବନବାସୀମାନଙ୍କର  
(ଜଙ୍ଗଲ ଅଧିକାର ସାକ୍ଷୁତି) ନିୟମ - ୨୦୦୬ର ବିଭିନ୍ନ ଦିଗ ସଂପର୍କରେ ଆଲୋଚନା କରାଯିବ ।

୨. ଉକ୍ତ ଆଇନ ଅନୁଯାୟୀ “ଜଙ୍ଗଲ ଅଧିକାର କମିଟି” ଗଠନ ପାଇଁ ସଭ୍ୟ ଚୟନ କରି ପସାବନା ପାସ୍  
କରିବା ।

ସରପଞ୍ଚ

## ପଲ୍ଲୀସଭା ବିଚାରଣୀର ନମୁନା

ଅଧ୍ୟକ୍ଷ ଚା.....ରିଖରେ ..... ଗ୍ରାମର ପଲ୍ଲୀସଭା ଅନୁଷ୍ଠିତ ହୋଇଥିଲା । ଏହି ସଭାରେ ନିମ୍ନଲିଖିତ ସରକାରୀ କର୍ମଚାରୀମାନେ ଉପସ୍ଥିତ ଥିଲେ । ଉକ୍ତ ଅଧିକାରୀମାନେ ସଭାରେ ଉପସ୍ଥିତ ଥିବା ସଦସ୍ୟମାନଙ୍କୁ “ଅନୁସୂଚିତ ଜନଜାତି ଓ ଅନ୍ୟାନ୍ୟ ପାରମ୍ପରିକ ବନବାସୀମାନଙ୍କର (ଜଙ୍ଗଲ ଅଧିକାର ସାକ୍ଷି) ଆଇନ୍ - ୨୦୦୭ ଏବଂ ଚତ୍ ଅନ୍ତର୍ଗତ (ଜଙ୍ଗଲ ଅଧିକାର ସିକ୍ସିଆ ନିୟମ ୨୦୦୭ରେ ଥିବା ବିଭିନ୍ନ ବ୍ୟବସ୍ଥା ସଂପର୍କରେ ସବିଶେଷ ଆଲୋଚନା କରିଥିଲେ । ଉକ୍ତ ଆଇନ୍ ବିଭିନ୍ନ ଧାରା ଏବଂ କାର୍ଯ୍ୟକାରୀତା ସଂପର୍କରେ ଉପସ୍ଥିତ ପଲ୍ଲୀସଭାର ସମସ୍ତ ସଦସ୍ୟବୃନ୍ଦ ଅବଗତ ହୋଇ ଜଙ୍ଗଲ ଅଧିକାର କମିଟିର ସଦସ୍ୟ/ସଦସ୍ୟାମାନଙ୍କୁ ଚୟନ କଲେ ।

### ପଲ୍ଲୀସଭାରେ ଉପସ୍ଥିତ ଥିବା ସରକାରୀ ଅଧିକାରୀ

କ୍ର. ସଂଖ୍ୟା	ସରକାରୀ ଅଧିକାରୀଙ୍କ ନାମ	ପଦବୀ ଓ ଠିକଣା

### ଜଙ୍ଗଲ ଅଧିକାର କମିଟି ନିମନ୍ତେ ବଛାଯାଇଥିବା ସଦସ୍ୟ

କ୍ର. ସଂଖ୍ୟା	ସଦସ୍ୟଙ୍କ ନାମ	ଠିକଣା

(ସର୍ବମୋଟ ୧୦ ରୁ ୧୫ ଜଣ ସଦସ୍ୟ ରହିପାରିବେ)

ପୁନଶ୍ଚ ସର୍ବସମ୍ମତିକ୍ରମେ ସଂପୃକ୍ତ ସ୍ୱାର୍ଥଜନିତ ବ୍ୟକ୍ତିମାନେ ସେମାନଙ୍କର ଏହି ଅଧିକାର ନିମନ୍ତେ ଦାବୀମାନ ଆଜିଠାରୁ ଆସନ୍ତା ତିନିମାସ ମଧ୍ୟରେ ଜଙ୍ଗଲ ଅଧିକାର କମିଟି ନିକଟରେ ଦାଖଲ କରିବା ପାଇଁ ପୁରାକୃତ ହେଲା । ଏବଂ ଉକ୍ତ ଦାବୀ ଉପରେ ଆନୁସଂଗିକ ବିଚାର ଓ କାର୍ଯ୍ୟାନୁଷ୍ଠାନ ନିମନ୍ତେ ଜଙ୍ଗଲ ଅଧିକାର କମିଟିକୁ କ୍ଷମତାପତ୍ର କରାଗଲା ।

ସା-  
ସଭାପତି

## ଜଙ୍ଗଲ ଅଧିକାର କମିଟିର ବିବରଣୀ

ଆଜି ତା .....ରିଖ ପଲ୍ଲୀସଭା ଦ୍ଵାରା ନିର୍ବାଚିତ ଜଙ୍ଗଲ ଅଧିକାର କମିଟି ନିମ୍ନରେ  
 ସମସ୍ତ ସଦସ୍ୟଙ୍କର ବୈଠକ ଶ୍ରୀ/ଶ୍ରୀମତୀ.....ଙ୍କ  
 ସଭାପତିତ୍ଵରେ ଅନୁଷ୍ଠିତ କରାଗଲା । ଆଲୋଚନା କରାଯାଇ ସର୍ବସମ୍ମତିକ୍ରମେ ସଭ୍ୟ/ସଭ୍ୟାମାନଙ୍କ  
 ମଧ୍ୟରେ ଶ୍ରୀ/ଶ୍ରୀମତୀ.....ଙ୍କୁ କମିଟିର ସଭାପତି  
 ଏବଂ ଶ୍ରୀ/ଶ୍ରୀମତୀ.....ଙ୍କୁ କମିଟିର ସେକ୍ରେଟାରୀ  
 ରୂପେ ଚୟନ କରାଗଲା । ଏହି ବିବରଣୀ ଏକ ନକଲ ଉପଖଣ୍ଡ ସ୍ଵରାୟ ଜଙ୍ଗଲ ଅଧିକାର କମିଟିକୁ  
 ପଠାଇବା ପାଇଁ ନିଷ୍ପତ୍ତି ନିଆଗଲା ।

କ୍ର. ସଂଖ୍ୟା	ଉପସ୍ଥିତ ସଭ୍ୟ/ସଭ୍ୟାଙ୍କର ନାମ	ସାକ୍ଷର
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ସ୍ଵାପକ ସଂଖ୍ୟା / ତା:

ଏହାର ଏକକିତା ନକଲ ଉପଖଣ୍ଡସ୍ଵରାୟ ଜଙ୍ଗଲ ଅଧିକାର କମିଟି ନିକଟକୁ ପଠାଇବା ପାଇଁ  
 ଗ୍ରାମପଞ୍ଚାୟତ ସେକ୍ରେଟାରୀଙ୍କୁ / ପଞ୍ଚାୟତ ନିର୍ବାହୀ ଅଧିକାରୀଙ୍କ ଅବଗତ ଓ ବିହିତ କାର୍ଯ୍ୟାନୁଷ୍ଠାନ ନିମନ୍ତେ  
 ପ୍ରେରଣ କରାଗଲା ।

ସେକ୍ରେଟାରୀ ଜଙ୍ଗଲ ଅଧିକାର କମିଟି

ସ୍ଵାପକ ସଂଖ୍ୟା / ତା:

ଏହାର ଏକକିତା ନକଲ ମଣ୍ଡଳ ଅଧିକାରୀ/ ଉପଜିଲ୍ଲାପାଳ/ ଏବଂ ଜିଲ୍ଲାପାଳଙ୍କ ଅବଗତ ଓ ବିହିତ  
 କାର୍ଯ୍ୟାନୁଷ୍ଠାନ ନିମନ୍ତେ ପ୍ରେରଣ କରାଗଲା ।

ସେକ୍ରେଟାରୀ ଜଙ୍ଗଲ ଅଧିକାର କମିଟି

**Government of Orissa**  
**Panchayati Raj Department**  
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**No. PRI- I – (IV) -9/ 2008, 13562 PR., dated. 24.3.2008**

**From**

Sri R.K. Choudhury,  
Director, PR & Addl. Secy. to Govt.

**To**

All Collectors

**Sub: Holding of Palli Sabhas for implementation of STs & Other Traditional Forest Dwellers (Recognition of Forest Rights Act, 2006.**

Sir/Madam,

I am directed to refer to this Department Memo No. 9155 / PR dated 26.2.2008 on the above noted subject and to say that in spite of instructions contained therein to hold Palli Sabhas for constitutions of Forest Rights Committee on 16<sup>th</sup> & 23<sup>rd</sup> March, 2008, it has come to the notice of Government that adequate steps have not been taken for holding of such Palli Sabha and in some villages the Palli Sabha could not be held due to want of quorum. Since, the programme under the Act is for the welfare of the Schedule Tribes and Other Traditional Forest Dwellers; all out efforts should be made for constitution of Forest Rights committee at the village level by holding Palli Sabha preferably in a Government Holiday.

It is therefore, requested that efforts should be made to convene Palli Sabha in all villages of your districts where no such Palli Sabha has been conducted or Forest Rights Committee would not be constituted in Palli Sabha as per the instructions refer to above so as to complete constitution of Forest Rights committee in all Palli Sabhas within 30<sup>th</sup> April 2008 following due procedure and quorum as per Rule and compliance be reported to Government by that date.

It is also requested that appropriate instructions in this regard may be issued at your level to all BDOs for making the detail programme GP wise and ensure convening successful of Palli Sabha in the villages by the Sarapanches of your district in order to constitute Forest Rights Committee by the aforesaid date positively.

The PD, DRDAs, BDOs, Sub-Collectors, DWOs, Tahasildars, DPOs and the Officers of line Department may be instructed to make necessary arrangement for deploying their subordinate officials to supervise holding of such Palli Sabha and provide necessary guidance / assistance for constitution of Forest Rights Committee by the Palli Sabha by the date line as mentioned above. Law enforcing Agencies also may be requested to remain watchful in order to avoid any outward incident in the Palli Sabha to be held further purpose.

Yours Faithfully,

Sd/-

Director, PR & Addl. Secy. to Govt.



**GOVERNMENT OF ORISSA  
FOREST & ENVIRONMENT DEPARTMENT**

No. 10F (Con) – 06 / 08. 5073 /F & E . Dated Bhubaneswar the 28.03. 2008

From,

Shri S.P. Mishra,  
Joint. Secretary to Govt.

To,

The Director (ST /SC)- cum - Addl. Secy. to Govt. of Orissa  
ST and SC Development Department.

**Sub: Implementation of ST and OTFD (RFR) Act, 2006 and Rules framed there under.**

Ref: Your Department Memo No.6183 / SSD Dated 15.2.08 and letter No. 9749 / SSD  
Dated 03.03.2008.

Sir,

With reference to the above correspondences on the captioned subject, I am directed to say that required follow-up action are being taken at various level of this Department for enforcement of Provision of the Act in our State. In this connection, a meeting of Senior Forest Officers was held on 23.02.2008 under the Chairmanship of Principal Secretary, Forest and Environment Department. Necessary instructions have been issued to Principal Chief Conservator of Forests, Orissa and Principal Chief Conservator of Forests (Wild Life) to take follow-up action. The list of Divisional Forest Officers and Assistant Conservator of Forests to be included as representatives of Forest and Environment in the DLCs and SDLCs have been finalized and intimated to the Collectors by the Principal Chief Conservator of Forests, Orissa. It has also been advised to organize Interactive Workshops in the matter at Circle level by the concerned Conservator of Forests involving the Divisional Forest Officers, Asst. Conservator of Forests and other sub-ordinate field functionaries within 10.03.2008.

Principal Chief Conservator of Forests (Wild Life), being the Chairman of the State Level Expert Committee, has been asked to expedite identification of Critical Wildlife Habitats. Apart from this, instruction has been issued to Principal Chief Conservator of Forests to instruct the field officials to involve themselves in the Proceeding of the Gram Sabhas with relevant records.

This is for your information.

Yours faithfully,  
Sd/-

(S.P. Mishra)  
Joint Secretary to Government.

**Government of Orissa  
Panchayati Raj Department**

No. PRI-I-IV-9/08\_ No. 21948/PR

Date: 23.05.08

From

Shri R.K. Pani,  
Addl. Secy. to Govt.

To,

All Collectors

**Sub: Holding of Pallisabha for implementation of STs & Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.**

Sir/Madam,

I am directed to refer to this Dept. Letter No. 21948/PR., dt. 23.5.08 on the above subject and to say that it was requested therein to hold Pallisabha for constitution of Forest Rights Committee in all villages so as to complete constitution of Forest Rights Committee in all Revenue villages within 30<sup>th</sup> June 2008. But it has come to the notice of Govt. that in some villages Forest Rights Committees could not be constituted due to some reasons like want of quorum, dispute etc.

It is therefore requested that expeditious steps may please be taken at your level to complete constitution of Forest Rights Committee through Pallisabhas in all villages of your district where no such Pallisabha has been conducted or Forest Rights Committee would not be constituted at the earliest and latest by January 2009 positively and compliance be reported to Govt. from time to time.

It is also requested that appropriate instructions in this regard may be issued at your level to all BDOs for making the detail programme GP wise and ensure convening successful Pallisabha in the village by the Sarapanchas of your district in order to constitute Forest Rights Committee in all villages by January, 2009 positively. If there any village is left without Forest Rights Committee after January 2008 responsibility will be fixed in terms of disciplinary action against these defaulting officer.

Yours faithfully,

Sd/-

Addl. Secy. to Govt.

By E-mail

Memo No.....

PR, dt.

Copy forwarded to all P.D., DRDAs /BDOs / DWOs / DPOs for information and necessary action.

Sd/-

Addl. Secretary to Govt.

Memo. No. 31076

PR Dt. 25.7.2008.

Copy forwarded to Commissioner cum Secretary to Govt., ST & SC Dev. Department / Revenue and DM Dept./PCCF, Orissa for favour of information and necessary action with a request that the field functionaries in the District may be suitably instructed to do necessary co-ordination and extend support for constitution of Forest Rights Committee in Pallisabha.

Sd/-

Addl. Secretary to Govt.

**Government of Orissa**  
**ST & SC Development Department**

No. 2230 /SSD Dated, Bhubaneswar the 27.5.08  
TD - II / 08

From

Sri B.P. Mishra, IAS  
Director, (ST/SC) - cum Addl. Secretary to Govt.

To

All Collectors /All PA, ITDAs, /All DWOs

**Sub: Implementation of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 and Rules made there under**

Sir,

I am directed to say that distribution of the claim forms, conduction of trainings may please be done immediately in order to expedite implementation of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006 and rules made there under. NGOs/ Grass root organization may be involved in the process of implementation of the said Act.

2. You are, further, requested to please furnish monthly progress report on the implementation of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 and rules made hereunder by 5<sup>th</sup> of every succeeding month to this Department and to intimate as to what more needs to be done for proper and smooth implementation of the Act and Rules.

3. This may please be given Priority.

Yours faithfully,

Sd/-

(B.P. Mishra)

Director ST/SC Addl. Secy. to Govt.

**GOVERNMENT OF ORISSA  
ST & SC DEVELOPMENT DEPARTMENT**

No. 24793 / TD-II-11/08

dt. 25.6.08

To

All Collectors /All P.A., ITDA/DWO

**Sub: Implementation of the Scheduled Tribes and Other Traditional Forest Dwellers  
(Recognition of Forest Rights) Act, 2006 and Rules, 2007.**

Sir/Madam,

In inviting reference to this Dept. Letter No.22350/SSD dtd. 27.5.08 on the above mentioned subject, I am directed to say that furnishing of the requisite Action Taken Report and Monthly Progress Report on the matter as requested therein may please be expedited.

Yours faithfully,

Sd/-

Under Secy. to Government of Orissa

**GOVERNMENT OF ORISSA  
PANCHAYATI RAJ DEPARTMENT  
No PRI-I-IV-9/08 Dtd. 25.07.2008**

Form

**Shri R.K. Pani  
Addl. Secy. to Govt.**

To,  
All Collectors

Sub: Holding of Pallisabha for implementation of STs & Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.

Sir/Madam,

I am directed to refer to this Dept. Letter No. 21948/PR., dt. 23.5.08 on the above subject and to say that it was requested therein to hold Pallisabha for constitution of Forest Rights Committee in all villages so as to complete constitution of Forest Rights Committee in all Revenue villages within 30<sup>th</sup> June 2008. But it has come to the notice of Govt. that in some villages Forest Rights Committees could not be constituted due to some reasons like want of quorum, dispute etc.

It is therefore requested that expeditious steps may please be taken at your level to complete constitution of Forest Rights Committee through Pallisabhas in all villages of your district where no such Pallisabha has been conducted or Forest Rights Committee would not be constituted at the earliest and latest by January 2009 positively and compliance be reported to Govt. from time to time.

It is also requested that appropriate instructions in this regard may be issued at your level to all BDOs for making the detail programme GP wise and ensure convening successful Pallisabha in the village by the Sarapanchas of your district in order to constitute Forest Rights Committee in all villages by January, 2009 positively. If there any village is left without Forest Rights Committee after January 2008 responsibility will be fixed in terms of disciplinary action against these defaulting officer.

Yours faithfully,  
Sd/-  
Addl. Secy. to Govt.

By E-mail

Memo No.....PR, dt

Copy forwarded to all P.D., DRDAs /BDOs/ DWOs /DPOs for information and necessary action.

Sd/-  
Addl. Secy. to Govt.

Memo. No. 31076

PR Dt. 25.7.2008.

Copy forwarded to Commissioner cum Secretary to Govt., ST & SC Dev. Department / Revenue and DM Dept./PCCF, Orissa for favour of information and necessary action with a request that the field functionaries in the District may be suitably instructed to do necessary co-ordination and extend support for constitution of Forest Rights Committee in Pallisabha.

Sd/-  
Addl. Secy. to Govt.

**NAVEEN PATNAIK  
CHIEF MINISTER, ORISSA**

**DO NO. UM-1/08-420/CM  
Bhubaneswar.**

**Dated: 1.09.2008**

**Dear Prime Minister,**

Please refer to your letter dated 26.07.08 calling for speedy implementation of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006. The State Government is making all possible efforts to implement the law. As such, Grama Sabhas have already received 1,53,321 claims/applications from the forest dwellers out of which 66,314 claims have been forwarded to the Sub-Divisional Level Committees for vetting.

In my D.O. Letter No.UM-1/08-95/CM, dated 10.03.2008, I had requested to either make separate allocations or allow use of Special Central Assistance to Tribal Sub Plan or assistance to the State under Article 275(1) of the Constitution in connection with the implementation of the law under reference. This is necessary as the Grama Sabhas who have to play a key role in implementing the Act do not have any Secretariat or manpower for processing the claims of the forest dwellers and verification of the claims over forest land and preparation of maps/land records etc. involves expenditure. I regret to state that the Ministry of Tribal Affairs has not released funds as per the State's entitlement under SCA to TSP and Article 275 (1) of the Constitution despite agreeing to allow expenditure up to 10% out of assistance under Article 275 (1) of the Constitution for implementing the law.

It is also to be mentioned here that the High Court of Orissa has partially stayed implementation of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 in their Order dated 23.07.2008. Hon'ble High Court has observed, "The opposite parties are directed not to undertake any felling of trees and not to alienate any land by issuing patta or by any other manner pursuant to the provisions of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (Act 2 of 2007) particularly from out of the sanctuaries, National Parks and Biospheres (Reserve Areas) until further orders". I am told that High Courts of a few other States have also passed similar orders staying operation of the law.

In the given circumstances, it will be appropriate if the Central Government files a Transfer Petition for transferring all the litigations to the Apex Court and takes steps for their expeditious disposal.

Yours sincerely,

Sd/-  
(NAVEEN PATNAIK)

**GOVERNMENT OF ORISSA  
S.T. & S.C. DEVELOPMENT DEPARTMENT**

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No 34359 / SSD. , Dated, Bhubaneswar the 20.09.08  
TD-II-3/08(I).

From:

Sri P.K. Das,  
Under Secretary to Government.

To

The Collector and Chairman,  
Dist. Level Committee, Gajapati,  
Parlakhemundi.  
The Sub-Collector & Chairman,  
Sub-Divisional committee, Gajapati.  
The Joint Secretary to Govt.  
Forest & Environment Department  
The Joint Secretary to Govt.  
Revenue & D.M. Department  
The Joint Secretary to Govt.  
P.R. Department

**Sub: Issues in claim verification by SDLC with regards to Forest Rights Act in Gajapati District, Orissa.**

Sir,

In enclosing a copy of Letter No.141, Dated 11.09.08 of the Director, NRM Programme R.C.D.C., Bhubaneswar addressed to the Chief Secretary, Orissa on the above mentioned subject. I am directed to say that necessary action on the points raised in the enclosed letter may please be taken as per the relevant provisions of F.R. Act.2006 at your end. Action taken on the matter may please be reported to this Department.

You are further requested to furnish a report on the points raised in the letter of the Director, RCDC, Bhubaneswar to this Deptt. at the earliest.

Yours faithfully,  
Sd/-  
Under Secretary to Government

**CHIEF SECRETARY & CHIEF DEVELOPMENT COMMISSIONER**  
**Government of Orissa, Bhubaneswar**

Ajit Kumar Tripathy, IAS  
D.O.No.36829/CS  
Dt. 20<sup>th</sup> Oct.08

Dear Collector,

**Sub: Implementation of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 and Rules framed there under.**

**Ref: ST & SC Development Department Resolution No.4694 dt. 1.2.08 and Letter No.6182/SSD dt. 15.2.08.**

This has reference to the letters cited above on the captioned subject.

The Scheduled Tribes and Other Traditional Forest dwellers (Recognition of Forest Rights) Act, 2006 and Rule 2007 became operational in the State w.e.f. 1.1.08 for recognition of forest rights to STs and Other Traditional Forest Dwellers in occupation of the forest land prior to 13.12.05 which include right to hold and live in the forest land under the individual or common occupation for habitation, self cultivation, right of ownership, access to use or dispose off MFPs community rights of uses or entitlements such as fish and other products of water bodies and grazing etc, any other traditional right, customarily enjoyed by the forest dwellers excluding the right of hunting, trapping or extracting a part of body of any wild animal.

A number of guidelines, circulars and clarifications have been issued for smooth and expeditious implementation of the aforementioned Act and Rules. Although the procedure to be followed for recognizing the rights of the STs and other traditional forest dwellers over the forest land is not a conventional one, yet preparation of land records on the claims, survey of land, preparation of maps, stationeries etc are required to be finalized to settle the claims of the beneficiaries.

The progress of implementation of the Act and Rules in the State was reviewed by the Prime Minister's office on 17.10.2008. It was observed that the progress made in implementation of the Act in our State was slow and unsatisfactory.

I would like to draw your personal attention on the matter and request you to ensure implementation of the Act in your district with a sense of utmost urgency. For this purpose, funds under Article 275(1) of the Constitution (interest money) lying with the PA, ITDAs and the fund under contingencies of the respective offices may be utilized including for buying handheld GPS instruments to be used by Forest and Revenue Department officials for preparation of map, records etc. All the claims received so far should be disposed of finally by 30.11.08 so that the documents conveying his right over the forest land as claimed by him and approved by the district level committee is handed over as soon as the litigation pending in the High Court is decided or leave of court is received.

Please note that any delay on the subject will be viewed as negligence and dereliction of duties.

Yours sincerely,

Sd/-

(A.K. Tripathy)



**No. 2415.TD – II**  
**Government of Orissa, Panchayati Raj Department**

No. PRI-I (IV)-9/08- 4147/ dt. 23.10.08

From

Sri B.K. Bal,  
Under Secy. to Govt.

To

The Project Director,  
DRDA, Gajapati

**Sub: Issues in claim verification by SDLC with regard to Forest Rights Act in Gajapati district.**

Sir,

I am directed to send herewith a copy of letter No.141 dt.11.9.08 of the Director, N.R.M Programme, R.C.D.C., Bhubaneswar on the above noted subject and to request you to please take necessary action on the point raised in the said letter as per the provisions of F.R. Act, 2006 and furnish required action taken report to the ST & SC Development Department as well as to this Department at the earliest

Yours faithfully,

Sd/-

Under Secy. to Govt.

**Government of Orissa**  
**Revenue & Disaster Management Department**

No. \_\_\_\_\_/R& DM  
GE(GL) – S/22/07(Pt)

Date: 25.10.2008

From

G.V.V. Sarma, Commissioner-cum-Secretary to Govt.

To

The Collector, Sundargarh/ Keonjhar/ Angul/ Ganjam/ Gajapati/ Kandhamal/ Boudh/  
Rayagada/ Nawarangpur/ Koraput /Malkangiri.

Sir,

Enclosed here please find list of forest villages in your district as per 2001 census. The census document has identified these villages to be not coming under any Panchayat Samiti.

You are requested to check up the actual position on the ground in respect of these villages and indicate progress of implementation of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 with particular reference to these villages.

Yours faithfully

Sd/-

Commissioner-cum- Secy. to Govt.

**Government of Orissa  
Panchayati Raj Department**

No. PRI – 1 (IV)- 09/2008/ 42358 /PR.,

Dated. 31.10.2008

From

Shri J.P. Agrawala, IAS  
Director , P.R. & Addl. Secy. to Govt.

To

All Collectors

**Sub: Implementation of STs and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006-Conversion of all Forest Villages in the State into Revenue Villages.**

Sir/ Madam,

With reference to the captioned subject, I am directed to send herewith a copy of D.O Letter No.17014/2/2007-PC & V (VOL-VI) dt. 25.2.2008 of the Secretary to Govt. of India, Ministry of Tribal Affairs and say that Govt. of India have directed for conversion of all forest villages, old habitations, unsurveyed villages and other villages in forest whether recorded, notified or not, into revenue villages, Govt. of India have also issued certain direction under Section 12 of the STs and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 and Rules, 2008 for implementation of the Act.

You are, therefore, requested to take immediate necessary action on the directions given in the enclosed letter of Govt. of India under intimation to this Department as well as ST & SC Dev. Dept. It is also requested to convene Palli Sabha and to constitute Forest; Rights Committee in the said Forest villages without any delay.

Yours faithfully,

Sd/-

Director, P.R & Addl. Secy. to Govt.

FAX / E-mail

(PTO)

Memo No. 42359/PR, Dated: 31.10.08

Copy alongwith copy of D.O. letter No. 17014/2/2007-PC&V (Vol. – VI) dt. 25.2.2008 of the Secretary to Govt. of India, Ministry of Tribal Affairs forwarded to all Project Director, DRDAs for information and necessary action.

They are requested to circulate the above letter of Govt. of India to all concerned and take immediate necessary action on the direction of given in the said letter of Govt. of India.

Sd/-  
Director, P.R & Addl. Secy. to Govt.

By E-mail

Memo No. 42360/PR, Dated: 31.10.08

Copy forwarded to all D.P.Os / D.W.Os / Tahasildars, B.D.Os for information and necessary action.

Sd/-  
Director, P.R & Addl. Secy. to Govt.

Memo No. 42361/PR, Dated: 31.10.08

Copy forwarded to the ST & SC Dev. Deptt. / Rev. & D.M. Deptt. / Forest & Env. Deptt. for information and necessary action.

Sd/-  
Director, P.R & Addl. Secy. to Govt.

**FOREST HEADQUARTERS, ORISSA  
OFFICE OF THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS  
ARANYHA BHAWAN, Bhubaneswar-23**

Memo No. 18633/9F (Misc.)75/2004 Dated Bhubaneswar, the 3<sup>rd</sup> Nov.2008

To

All Divisional Forest Officers (T & WL)

**Sub: Implementation of the Scheduled Tribes & Other Traditional Forest Dwellers (Recognition of Forest rights) Act, 2006 and the Rules framed there under.**

Ref: This Office Memo No.18236/9F dt. 24.10.08

I have to convey to you that Government at the highest level have expressed serious concern over lack of tangible progress in implementation of the Forest Rights Act.

2. I would again reiterate in this regard that Forest Officers of all ranks have to play a very pro-active role in the matter of assisting the Forest Rights Committees in verifying various claims as may be filed before the Pallisabhas. As per rule 12(1) of the relevant Rules, the Forest Rights Committee has to intimate the Forest Dept. (i.e. local Forest official having jurisdiction over the area) about the site visit and physical verification of the claims. Under rules 12(2), the Forest Rights Committee has to record its findings on each claim and present the same to the Pallisabha. Under rule 11(5) the Palli Sabha shall meet thereafter, with prior notice, to consider the findings of the Forest Rights Committee and pass appropriate resolutions, and shall forward the same to the Sub-divisional level committee. The Sub-divisional level committee of which the ACF is a member, is to examine and consider the resolution maps, etc. furnished by the Pallisabha. Under Rule 4(3) the Pallisabha shall be provided with the necessary assistance by the authorities of the State.

3. For verification of the claims and for preparation of the maps in respect of admitted claims, it may be necessary to use hand – held GPs sets and to engage the services of a minimum no. of retired Forest officials, retired Amins or other such suitable hands where there are staff vacancies. The DFO concerned may work out the requirement in this regard in order to make speedy progress in verification of claims and preparation of maps, etc. as may be required by the Palli Sabhas/Forest Rights Committees. The cost requirement of engaging any such personnel temporarily and for purchase of GPs sets may be indicated by the DFO to the P.A., ITDA concerned. The copy of such communication to P.A, ITDA shall be endorsed to this office to take up the matter with the S.C. and S.T. Development Department.

4. All genuine and bonafide claims in any area should be broadly known to the concerned Forest Officer. There should be no technical or procedural objection raised to acceptance of such bonafide claims. Government have indicated a final deadline of 15<sup>th</sup> December 2008

for all such matters relating to claims of forest right to be finally disposed of by Sub Divisional level committees.

5. In this regard it has been decided to hold fact finding review meetings at Revenue Divisional level in the 2<sup>nd</sup> /3<sup>rd</sup> week of November'08 where specific difficulties, etc. in carrying out the mandate of the new statute would be discussed. The DFO and CFs concerned are being separately intimated to attend these meetings with respective RDC offices. The schedule of these meetings is as follows.

Berhampur	For the officers of Southern -Division	On 12 <sup>th</sup> Nov.2008 from 11 AM. Onwards
Cuttack	For the officers of Central - Division	On 14 <sup>th</sup> Nov. 2008 from 12 Noon onwards
Sambalpur	For the officers of Northern-Division	on 17 <sup>th</sup> Nov. 2008 from 11 AM Onwards

All necessary information in the format indicated vide this office memo 18236/9F dt. 24.10.08 may be carried by the DFOs of the respective Revenue Divisions to the above meeting.

I would expect you to take prompt and pro-active action as mandated by the above law so that all genuine and bonafide claims of Forest dwellers can be settled within the deadline set by Govt.

Sd/-  
Principal, CCF Orissa

Memo No. 18634 / Dt. 03.11.08.

Copy forwarded to the principal Secretary to Govt., Forest and Environment Dept./ Commissioner- cum- Secretary to Govt., SC & ST Dev. Department / Commissioner-cum-Secretary to Govt., Revenue Department / Commissioner-cum-Secretary to Govt., Panchayatraj Department for information.

Sd/-  
Principal, CCF Orissa

Memo No. 18635 / Dt. 03.11.08.

Copy forwarded to all Conservators of Forests ( T ) for information and necessary action. The Conservators of Forests concerned are required to attend the meetings in the office of the RDC as per above schedule with all required information to meaningfully participate in the discussion.

Sd/-  
Principal, CCF Orissa

**Government of Orissa  
ST & SC Development Department**

No. 38766/SSD Dated, Bhubaneswar the 6.11.08  
TD - II - 3/08(1)

From

P.K. Das,  
Under Secretary to Government.

To,

All Collector & Chairman,  
Dist. Level (Forest Rights) Committee,  
All Sub-Collectors & Chairman,  
Sub Divisional Level (Forest Rights) Committees.

**Sub: Status /Progress of implementation of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 & Rules, 2008 in the State.**

Ref; This Department Letter No. 25592 dt. 5.7.08 and No.37672/SSD Dt. 25.10.08

Sir/Madam,

With reference to above to correspondences on the captioned subject, I am directed to say that the requisite information in the prescribed format as requested therein has not been received at this end. Ministry of Tribal Affairs, Government of India has been pressing hard for the information by 10.11.08.

You are, therefore, once again requested to please furnish the requisite information in the prescribed format pertaining to you District/Sub-Division to this Department by 6.11.08 by Fax positively for onward transmission of the same to Government of India.

You are further requested to please furnish monthly report on the status/ progress of the implementation of the Act every month in the prescribed format sent to your address in this Department L.No.37672/ dt 25.10.08 for review at this end and for sending the same to the Ministry of Tribal Affairs, Government of India, New Delhi

This may please be treated as most URGENT.

Yours faithfully,

Sd/-

(P.K. Das)

Under Secretary to Government.

**Government of Orissa**  
**ST & SC Development Department**

No. 38848 /SSD Dated, Bhubaneswar the, 6.11.08  
TD - II - 3/08(II)

From

Sri R.K. Choudhury,  
Director, ST&SC Addl. Secy. to Govt.

To

All Collectors & Chairman,  
District Level (Forest Rights) Committee,  
All Project Administrator, ITDAs.

**Sub: Engagement of retired Revenue Inspectors/ Amins on contractual basis for implementation of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 and Rules, 2008 in the State.**

Sir/Madam,

I am directed to say that it has been decided in the meetings Dt. 1.11.08 chaired by Hon'ble Chief Minister, Orissa that each Sub Collector may be permitted to engage services of a maximum of ten Revenue Inspectors / Amins who have retired from Govt. service on a contractual basis, for a period of 3 months, which will help in better implementation of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 and Rules, 2008. Such personnel will help in preparation of maps for early finalization by the Sub-Divisional Committees. You are, therefore, permitted to incur expenditure in engaging services of maximum ten retired Revenue Inspectors / Amins on contractual basis, for a period of 3 months at the consolidated remuneration of Rs.3500/- per month for retired R.I. or Amin for the purpose. Such expenditure may be met out of funds under Article 275(1) of the Constitution. Funds will be released after receipt of the requirement from you in this regard. Action taken in the matter may please be reported to this Department at the earliest convenience.

Yours faithfully,  
Sd/-

Director (ST/SC) cum-Addl. Secy. to Govt.



**Government of Orissa  
Panchayati Raj Department**

No. PRI-I (IV) 9/08 / 43137/PR.. Dated, Bhubaneswar the 6.11.08

From

Shri O.P. mohapatra,  
Joint Secretary to Government.

To,

The Undr Secretary to Govt.  
ST&SC Development Department.

**Sub: Constitution of Forest Right Committee under Forest Right Act, 2006 in the State.**

Sir,

With reference to your letter no 36966/SSD, dated 21.10.2008 on the above noted subject, I am directed to send herewith the district wise position on Constitution of Forest Right Committee through Pallisabhas as on 31.8.2008 for necessary action at your end.

Yours faithfully,

Sd/-

Joint Secretary to Government.

**GOVERNMENT OF ORISSA**

Sl. No	Name of the Districts	No. of Blocks	No. of GPs	No. of Revenue Villages	No. of UN.I Villages	Total Revenue Villages	No. of Palli Sabha held	FRC Constituted	FRC not Constituted	Reasons	%
1	2	3	4	5	6	7	8	9	10	11	12
1	ANGUL	8	209	1647	12	1635	1584	1584	51	quorum	97%
2	BALASORE	12	289	2691	-	2691	2691	1181	-	-	100%
3	BARAGARH	12	248	1208	27	1181	1181	1248	-	-	100%
4	BHADRAK	7	193	1248	-	1248	1248	1752	1	dispute	99.94%
5	BOLANGIR	14	285	1753	-	1753	1752	850	312	-	73%
6	BOUDH	3	63	1162	-	1162	850	1244	631	quorum	67%
7	CUTTACK	14	342	1857	-	1857	1244	644	7	dispute	99%
8	DEOGARH	3	60	803	152	651	644	932	98	-	90.48%
9	DHENKANAL	8	199	1030	-	1030	932	1456	6	Dispute	99.61%
10	GAJAPATI	7	129	1543	81	1462	1456	2629	202	-	92.86%
11	GANJAM	22	475	2831	-	2831	2629	1211	19	-	98%
12	JAGATSINGHPUR	8	194	1291	61	1230	1211	1567	4	Dispute	99.74%
13	JAJPUR	10	280	1575	4	1571	1576	332	-	-	100%
14	JHARSUGUDA	5	78	335	3	332	332	2100	-	-	100%
15	KALAHANDI	13	273	2100	-	2100	2100	2280	26	-	98.87%
16	KANDHAMAL	12	153	2306	-	2306	2280	1010	401	-	71.58%
17	KENDRAPARA	9	230	1411	-	1411	1010	1727	282	quorum	86%
18	KEONHJAR	13	286	2037	28	2009	1729	1035	307	-	77%
19	KHURDA	10	168	1342	-	1342	1035	1691	173	-	90.71%
20	KORAPUT	14	226	1864	-	1864	1691	896	5	Nuxal	99%
21	MALKANGIR	7	108	901	-	901	896	3736	-	-	100%
22	MAYURBHANJ	26	382	3736	-	3736	3736	1199	315	-	79%
23	NAAYAGARH	8	179	1514	-	1514	1199	867	-	-	100%
24	NAWARANGPUR	10	169	867	-	867	867	642	3	QURUM	100%
25	NUAPADA	5	109	645	-	645	645	1613	-	-	100%
26	PURI	11	230	1613	-	1613	1613	2466	-	-	100%
27	RAYAGADA	11	171	2577	111	2466	2466	979	243	-	80%
28	SAMBALPUR	9	148	1222	-	1222	979	900	-	-	100%
29	SONEPUR	6	96	900	-	900	900	1672	7	-	99.58%
30	SUNDARGARH	17	262	1701	22	2001679	1672	44134	3093	-	93.48%
	<b>TOTAL</b>	<b>314</b>	<b>6234</b>	<b>47710</b>	<b>501</b>	<b>47227</b>	<b>44137</b>	<b>44134</b>	<b>3093</b>	<b>-</b>	<b>93.48%</b>

**GOVT. OF ORISSA  
ST & SC DEVELOPMENT DEPARTMENT**

No. 39223 /SSD, the Bhubaneswar, Dt. 11.11.08  
TD-I- SP-105/08

From

Shri G.S.S. Patra, OFS (I)(SB)  
FA-cum-Joint. Secy. to Govt.

To

The Accountant General (A & E), Orissa, Bhubaneswar

**Sub: Sanction of Grants-in-aid in favour of PA, ITDAs/ PD, DRDAs concerned under 1<sup>st</sup> proviso to Article 275(1) of the Constitution during the year 2008-09 for implementation of Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Right ) Act, 2006 (2 of 2007) (Central Assistance for State Plan).**

Sir,

I am directed to convey the sanction of Governor to sum of Rs.2,26,82,000/- (Rupees two Crore Twentysix Lakh Eightytwo thousand) only as grants-in-aid in favour of PA, ITDA/PD,DRDA concerned as per the statement enclosed out of Central Assistance for State Plan under 1<sup>st</sup> proviso to Article 275(1) of the Constitution of India during 2008-09 for implementation of Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (2 of 2007) with following conditions.

- (i) The amount shall be utilized for
  - (a) Purchase of GPS and other survey instruments.
  - (b) Preparation of maps of villages and lands.
  - (c) Hiring of technical persons like RIs & Amins @ Rs.3, 500/- per month by Revenue and Forest Deptt. Officials.
  - (d) Purchase of stationery including printing of forms as required under the Act.
  - (e) Awareness and training programme and other miscellaneous nature of expenditure.
- (ii) No TA/DA shall be allowed to the Govt. Staff under the programme.
- (iii) Detail expenditure be maintained for audit.
- (iv) Funds shall be released by the PA., ITDAs / PD, DRDAs to the concerned executing agencies i.e. Forest & Environment Deptt. and Revenue and Disaster Management Deptt.'s Offices on the basis of specific proposals received from them.
- (v) In the Non-ITDA districts, DWOs shall be consulted while release of funds by PD, DRDAs.
- (vi) Approval of respective Collectors shall be taken before release of funds

- (vii) All concerned PA., ITDAs/PD, DRDAs shall furnish their monthly expenditure/ progress report to ST & SC Development Department.
- (viii) The charge is debitable to the appropriate units under "Demand No.11-2225- Welfare of SCs, STs & OBCs-State Plan-State Sector -02-Welfare of STs -794-SCA for TASP-0222- Creation of infrastructure in TSP area under 1<sup>st</sup> proviso of Article 275(1) of the Constitution of India- 41078-Grants-in-aid (Voted in the Budget Estimate for the Year 2008-09).
- (ix) The PA., ITDAs/PD, DRDAs concerned will prepare the bill in the OTC Form No. 40 and present the same for countersignature of Collectors concerned as per SR-350 & 351 of OTC- Vol-I. The amount will be drawn from the Treasury on or before 31.3.2009.
- (x) Utilization certificate in triplicate duly countersigned by the Collector concerned in the prescribed form in OGFR-7A (See Rule -172) and audit reports should be furnished to the ST & SC Development Deptt. By 30.6.2009 for onward transmission of the same to A.G Orissa and Ministry of Tribal Affairs, Govt. of India, New Delhi.
- (xi) The account shall be audited by the Staff of ST & SC Development Deptt. Besides this, the account should be kept open for audit by the audit party of A.G. Orissa as and when required. The Administrative Deptt. resolves every right to inspect the accounts through their officers and called for any report on the project and it shall be obligatory on the part of the agency to furnish such report within the time specified.
- (xii) The grantee is to furnish monthly progress report on execution of the project regularly to Government.
- (xiii) The grantee shall maintain separate account for the amount sanctioned. No diversion of fund is allowed.
- (xiv) The Director (ST/SC)-cum-Addl. Secretary will be the Controlling Officer and the ST & SC Development Deptt. will be the Administrative Deptt. in respect of the above expenditure.
- (xv) The PA, ITDAs / PD, DRDAs concerned is the Drawing an Disbursing Officer in respect of the above expenditure.
- (xvi) No authority slip will be necessary for the drawl of the bill. The Funds will be utilized by 31.3.2009 and balance if any remains unspent beyond the specified period shall be intimated to this Deptt. with reasons thereof for further instruction.
- (xvii)The grantee shall enclose with the bill an undertaking in token of acceptance of the terms and conditions laid down in the sanction order.

Yours faithfully,

Sd/-

FA-cum-Jt. Secy. to Govt. of Orissa

F.No.7-1/2008-FP  
Government of India  
Ministry of Environment & Forests  
FP- Division

Paryavaran Bhawan,  
CGO Complex, Lodhi Road,  
New Delhi -110003

Dated: 18.11.2008

To

The Secretary (Forests)  
All States/ UT Governments

Sub: Monitoring formats for implementation of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.

Sir,

Kindly refer to this Ministry letter of even no. dated 08.10.2008. The monitoring formats have been put on the Ministry website i.e. <http://envfor.nic.in> in the slot of Forest Policy Division.

The return can be submitted through e-mail also i.e. [aig\\_rtdiv@yahoo.com](mailto:aig_rtdiv@yahoo.com). Please ensure to send the first quarterly report immediately.

Yours faithfully,

  
(Rajan Sehgal)

Sr. Assistant Inspector General of Forests  
Tele Fax No.011-24363970

Copy to:-

- Principal Chief Conservator of Forests of All States/ UT Governments.
- 2 Chief Wildlife Wardens of All States/ UT Governments.

Quarterly Report As On \_\_\_\_\_  
 THE SCHEDULED TRIBES AND OTHER TRADITIONAL FOREST DWELLERS (RECOGNITION OF FOREST RIGHTS) ACT, 2006  
 IMPLEMENTATION SHEET - CRITICAL WILDLIFE HABITATS

Annexure - F (1)

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)
Sl.No	Name of the State/UTs	Constitution of State Level Committees	1st Consultation for each Protected Area	2nd Consultation for each Protected Area	3rd Consultation with each Protected Area	Final recommendation of State Level Committee	If decided for relocation, identification of alternate site(s) for relocation	Number of villages to be relocated	Recognition of Rights completed or not	Final recommendation on settlement to Central level Committee	Issue of Notification by MoEF	Remarks
			(Whenever required if area large)									
1	Andhra Pradesh											
2	Andhra Pradesh											
3	Assam											
4	Bihar											
5	Chhattisgarh											
6	Goa											
7	Gujarat											
8	Haryana											
9	Himachal Pradesh											
10	Jharkhand											
11	Jammu & Kashmir											
12	Karnataka											
13	Kerala											
14	Madhya Pradesh											
15	Maharashtra											
16	Manipur											
17	Meghalaya											
18	Mizoram											
19	Nagaland											
20	Orissa											
21	Punjab											
22	Rajasthan											
23	Sikkim											
24	Tamil Nadu											
25	Tripura											
26	Uttar Pradesh											
27	Uttarakhand											
28	West Bengal											
29	Andaman & Nicobar Islands											
30	Dadar & Nagar Haveli											
31	Chandigarh											
32	NCT of Delhi											
33	Lakshadweep											
34	Daman & Diu											

Indicates State level Committees constituted  
 \* Ministry has nominated member to oversee the implementation of the Act.

ANNEXURE I

THE SCHEDULED TRIBES & OTHER TRADITIONAL DWELLERS (RECOGNITION OF FOREST RIGHTS) ACT, 2006  
 IMPLEMENTATION SHEET - FC ACT PERMISSIONS

Sl.No	Name of the State/UTs	Resolution passed by GS for requirement of forest land for infrastructural facilities under Section 2 (2) of the Act			Permissions given by DFO under Section 2(2) of Rights Act, for infrastructural facilities			Conversion of forest villages into Revenue Villages		
		No. of villages/FRCs	No of cases	Area required	No. of villages/FRCs	No of cases	Area diverted (sq.)	No of forest settlements	No of resolution passed	No of settlements converted into revenue villages after necessary permissions
1	Andhra Pradesh									
2	Andhra Pradesh									
3	Assam									
4	Bihar									
5	Chhattisgarh									
6	Goa									
7	Gujarat									
8	Haryana									
9	Himachal Pradesh									
10	Jharkhand									
11	Jammu & Kashmir									
12	Karnataka									
13	Kerala									
14	Madhya Pradesh									
15	Maharashtra									
16	Mizoram									
17	Nagaland									
18	Nagaland									
19	Nagaland									
20	Orissa									

**GOVERNMENT OF ORISSA**  
**ST & SC DEVELOPMENT DEPARTMENT**

No. **40873**      SSI Dated, Bhubaneswar the. **21.11.08**  
FD II 3108

From.

Sri Pradipta Kumar Das  
Under Secretary to Government

To.

1. All Collectors & Chairman, District Level Forest Rights Committee
2. All Sub-Collectors & Chairman, Sub-Divisional Level Forest Rights Committee
1. All Project Administrators, HDAs
1. All PD, DRDAs (Non-Scheduled area districts)
- All DWGs

**Sub: Frequently asked questions on implementation of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 and their replies.**

Sir Madam,

I am directed to send herewith a set of frequently asked questions on implementation of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 and their replies for favour of your information and guidance. The set of questions and replies may please be used for clarifying the beneficiaries/claimants, Officials & Non-Officials concerned with the implementation of the Act.

Yours faithfully,

*(Seal)*  
Under Secretary to Government

## FREQUENTLY ASKED QUESTIONS

1. *Does the Act not have the danger of destroying our forests and environment?*

—> Definitely not. We need to see that even in the earlier framework of Forest Conservation Act, there were provisions and procedures for regularising old habitations. The earlier framework did not have express scope for participation of the people. The present Act mandates that Gram Sabha (i.e. Palli Sabha in Orissa context) is the authority to initiate and decide the claims. The cut-off date was earlier fixed as 25/10/1980. It is now 13/12/2005 for members of the Scheduled Tribes and 13/12/1930 for other traditional forest dwellers. The Act only recognises existing occupations; it does not envisage fresh destruction of forest. It seeks basically to recognise *de jure* the already existing *de facto* position on the ground. Therefore there is no danger really to the forests. Deforestation is mostly due to commercial interests and not due to bona fide livelihood requirements of the poor people. We must see that by having the ordinary people living legitimately in the forest areas on our side, the forest machinery can do a better enforcement work. They can get better intelligence about the movement and activities of the timber mafia. Therefore, sincere implementation of the Act will protect the forests and our environment.

2. *In some cases, the palli sabha could not meet on 16/3/2008 or on 23/3/2008. Can they meet now, decide FRC and start the process?*

—> Yes, certainly. The Act does not prescribe any dates for holding the Palli Sabha meetings. Whenever required, it can be done. It must be noted that the initial time permitted as per Rule 11 (1) (a) for the claims to be made before the palli sabha is three months. But the same rule has a proviso to the effect that the palli sabha can extend this period for reasons to be recorded in writing.

3. *How will the Palli Sabha get the information on progress of their recommendations made to Sub-Divisional Committee?*

—> An authenticated copy of the proceedings of SDLC meeting should be given to the Palli Sabha Gram Sabha so that they can know about the recommendations of the SDLC. As the Palli Sabha has no Secretariat of its own, the concerned Extension Officer or the Secretary of the Gram Panchayat should be the custodian of the documents, who is required to take steps for holding the meetings of the Palli Sabha to apprise them about the documents received from the SDLC.

4. *Is the caste certificate mandatory to accompany every claim under the Act?*

—> Form A in the Annexure I stipulates for individual claims in respect of members of Scheduled Tribes that the authenticated copy of the certificate should be attached. This matter



was discussed in the SLMC meeting on 24/10/2008 and the decision communicated in Revenue Department letter No. 47923 dated 12/11/2008. The Palli Sabha, with two-third or more presence, can pass a resolution affirming the names of members of ST and that can be accepted by the SDLC and DLC. However, if SDLC or DLC has reasons to re-verify, they can get it done through the concerned Tehsildar in doubtful cases.

5. *Is there a stay order by Hon'ble High Court on the implementation of the Act?*

—> It is true that there is an interim order of Hon'ble High Court barring issue of final patta (title as per the Act) and barring felling of trees, particularly in Reserve Forest/Protected Forest/Wildlife sanctuary areas. The State Government is taking steps to make appropriate prayer to get the interim order vacated. However, for all other steps in the Act, there is no bar and each one of them must go on. The steps include holding the first meeting of the Palli Sabha for electing members of the FRC, the FRC receiving the individual as well as community claims, FRC verifying the claims and recommending to the Palli Sabha, holding second meeting of the Palli Sabha to make recommendations to SDLC, holding SDLC meetings and finally holding DLC meetings. On all these steps, there is no stay order. The District Level Committee should finalise and dispose of the claims within the stipulated period so that the documents conveying the rights of the claimant duly approved by the DLC could be handed over as soon as the litigation pending in the High Court is decided or leave of the Court is received.

6. *Can any Government Officer take a stand that because of the stay order, the work cannot progress further?*

—> Any delay or negligent action on part of any Government officer of any Department will mean offence under the Act. The State Government will not hesitate to invoke provisions of Section 7 of this Act, which involves fine of Rs 1000 as well as disciplinary proceedings.

7. *It has just been ordered to procure GPS equipments. How can maps be prepared without GPS instruments?*

—> The use of GPS equipments is a welcome step, which will help in long term objectives of preparing error-free digitised maps in both revenue lands as well forest lands. Definitely the degree of accuracy can be better if GPS equipment is used, which will give the latitude, longitude and the altitude of any given point using simultaneous reading of four geo-synchronous satellites. This is especially true if Total Station Method is used for survey. However, we need to see that we do not require 100 % precision, which may be essential for launching a missile or for other space applications. For implementation of this Act, usage of GPS devices is not mandatory. The title for individual land as well as for community forest rights, as per Annexure II and III of the rules, requires the extent of the area and 'description of boundaries by prominent land marks including Khata No/Plot No.'. Thus preparation of an error-free pucca map is not required under this Act. However, for practical reasons and to see the need to enhance the capability of the law enforcement machinery to deal with land disputes, if any, in future, it is necessary to prepare the maps to the best of our ability using traditional methods. The SDLC can adopt the basic checks to see that (a) the individual land parcels do not overlap or that same portion of any land is not shown to two or more individual claimants and (b) the sum of individual or community lands in a village, for which title is being

recommended, will not exceed the total geographical area of the village. Therefore, any delay with the excuse of procurement of GPS for implementation of this Act will not be accepted.

8. *The maps at the field level are not available. What can be done?*

—> If revenue land is involved, the maps can be obtained by placing indent with Joint Director, Survey and Map Publications, Jobra, Cuttak under intimation to DLRS, Board of Revenue. However, even for such lands, the trace map of the existing working copy available at the Tehsil office should suffice the work at the SDLC level for this Act. In respect of forest land, the scale of their maps is very small i.e. 1: 50,000 because traditionally large areas of forest blocks were envisaged and small habitations were not considered. In such cases also, it should not be difficult to prepare the rough maps by indicating the landmarks and other essential data, to fulfil the requirements of this Act. It needs to be seen that for booking forest encroachment cases, the forest machinery has been using rough maps in the past. The same maps can be used even now for examining the claims under this Act. For reducing the valid claims into the form of a rough map, the services of retired RIs and Amins can be utilised, apart from the existing RIs and Amins. The Collectors may also review the available manpower in terms of JC staff from the Settlement and Consolidation organisations, who have been placed with the Collectors by the DLRS.

9. *What about forest habitations not coming within any revenue village?*

—> Revenue Department has made available to each of the Collectors the data of forest villages as per 2001 Census. Each of these habitations, even without enabling notification by Panchayati Raj Department, can serve the purpose of the Act, as per Section 2 (g) read with 2(p) (iii) of the Act. Therefore, village assembly meetings of such habitations will also have the same legal validity as Pali Sabha for all practical purposes. However, Panchayati Raj Department is going to issue a detailed notification in this regard very soon.

10. *Should the work for second stage clearance of identified Pre-1980 habitations under Forest Conservation Act continue?*

—> Government have made the necessary budget provision and deposited the required amount in pursuance of the Supreme Court clearance obtained for Orissa in the TN Godavarman case. Therefore, the work is in pipeline and hence it should be continued to its logical end without any further delay. The lease documents and other formalities under the Forest Conservation Act are distinct from those under this Act. This Act provides heritable, but non-transferrable rights. The dispensation under the Forest Rights Act is different.

11. *Can the SDLC entertain the claims solely based on the oral evidence?*

—> Rule 11 (1) read with Rule 13 requires at least two of the evidences out of the list of nine different categories provided. Rule 13 (i) makes provides for statement of elders, other than claimants, reduced in writing. We need to understand that the words "other than claimant" must be with reference to the particular plot in question. SDLC does not entertain individual or community claims. The job of the SDLC as per Rule 14 (5) is to consider the resolution of the Gram Sabha and pass appropriate orders, either accepting or rejecting it. As per Rule 13, oral evidence will be one of the permissible kinds of evidence. The Gram Sabha is required to see that at least one of the other evidences like physical attributes of a house, permanent improvements made to land including levelling, bunds etc., encroachment case records, traditional structures establishing antiquity like burial grounds, wells, sacred places, genealogy tracing ancestry to individuals mentioned in earlier land records or recognised as having been legitimate resident of the village at an earlier point of time etc.

**12. Can the cut off date of 1930 be insisted on tribals who have migrated from another State?**

—> The law does not differentiate between a member of a Scheduled Tribe of one State from a person of another State. Therefore cut-off date of 13/12/2005 will be applicable for all ST persons, irrespective of their State of origin. However, it must be noted that 66 2/3 % quorum is mandatory for a gram sabha meeting to take place as per the Act.

**13. What will be role of Vana Sanrakshana Samitis and other organisations or individuals who have been protecting the forests all along?**

—> The JFM policy guidelines are executive instructions whereas the present provisions are part of an Act. Therefore, the members of the VSS should be encouraged to participate in the meetings of the Gram Sabha/Palli Sabha so that the correct resolutions are passed by it.

**14. A forest officer or a revenue officer has not received intimation to attend Gram Sabha/ Palli Sabha meeting. Can he sign the minutes of the SDLC?**

—> It is the duty of all grass root functionaries of all Departments to attend the Palli Sabha meetings. It must be noted that for the first round of the meetings of the Palli Sabha, wide publicity was given through TV, Radio and print media. No field officer of any department can plead ignorance of the palli sabha meetings. However, if the SDLC resolves that a matter requires field verification by a particular officer, the same must be attended to with utmost priority. Weekly meetings of SDLC will help in close monitoring of the field verification if it is decided to be necessary by SDLC.

15. *It has been seen in the SDLC meetings that the resolution of the Palli Sabha is not accompanied by 66 2/3% of the signatures of the adult members of the village. Can it be entertained?*

—> It must be noted that the Secretary of the Palli Sabha is the executive officer or extension officer or Secretary of the Gram Panchayat. If the functionary has signed and affirmed a document as the resolution of the Palli Sabha, it is his duty to keep the original document with the signatures of the members present in his record. When a copy is forwarded by him with his signature to the SDLC, the SDLC should accept it as authentic. This is by adopting the same analogy as that of an Act of a Legislative Assembly. Every Act or a Resolution of the Assembly will not bear the signature of every member present. The signature of the authorised officer is adequate. By the same logic, the SDLC has to presume the proceedings to be correct, unless any allegation is received to the contrary. Same logic applies to the point regarding whether one-third ST members are present in the FRC and whether one-third women have been elected to the FRC or not. Wherever the SDLC finds the specific need to get this verified, they can do so. The District Panchayat Officer and the Sub-Divisional Panchayat Officer, with the help of the extension officers, are also required to conduct periodic inspections and guide the palli sabhas to keep the documentation properly.

16. *Has the State Govt. taken any Programme for creating awareness and training?*

—> Sub-Divisional Level Committees and District Level Committees have made arrangements for creating awareness and imparting training to the members of the Committees and concerned Officials/ Functionaries. Oriya and English version of the Act & Rules have been printed and distributed among DLCs and SDLCs for circulation among Gram Sabhas/ FRCs and others concerned with implementation with the Act.

17. *Who will supply the claim form A & B to the Beneficiaries and if any fees to be paid for obtaining forms?*

—> All PA, ITDAs in scheduled areas and all DWOs in non-scheduled area districts will print and distribute the requisite number of form A & B among the beneficiaries free of cost.

18. *From which sources FRCs will get funds to purchase registers, files and papers etc. ?*

—> Necessary funds under Article 275(1) of the Constitution has already been sanctioned / provided to all PA, ITDAs and all PD, DRDAs of non-scheduled area districts of the State for incurring expenditure towards implementation of this Act.

19. *Who will decide recognition and vesting of community right versus individual right?*

—> Gram Sabha shall decide this. In case of dispute appeal to higher committees, SDLC and DLC is possible.

20. *What are the Special provisions for displaced Tribals who have not been rehabilitated?*

—> Section 3 (m) of the Act provides that right to in situ rehabilitation including alternative land in cases where the STs and Other Traditional Forest Dwellers have been illegally evicted

or displaced from forestland of any description without receiving their legal entitlement to rehabilitation prior to the 13th December 2005.

Section 4(8) of the Act provides that the Forest rights recognized and vested under this Act shall include the right of land to forest dwelling Scheduled Tribes and Other Traditional Forest Dwellers, who can establish that they were displaced from their dwelling and cultivation without land compensation due to state development interventions and where the land has not been used for the purpose for which it was acquired within 5 years of the said acquisition.

21. *Who are the traditional forest dwellers?*

—>Section 2(o) of the Act defines the traditional forest dwellers as "Other Traditional Forest Dwellers" means any member or community who has for at least three generations (75 years) prior to the 13th day of December 2005 primarily resided in and who depend on the forest or forests land for bonafide livelihood needs.

22. *Does definition of forestland in the Act applies only to the land under Forest Department, or is it that the forestland under the Revenue Department (jungle kisan) also comes within the purview of the Act.*

—> "Forestland" means land of any description falling within any forest area and includes unclassified forests, undemarcated forests, existing of deemed forests, protected forests, reserved forests, sanctuaries and national parks. Therefore, the definition of forestland specified under the Act applies to all types of forests including that of the jungle kisan land found in the Revenue records.

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ଓଡ଼ିଶା ସରକାର  
ଫାଟାକ୍ସ/ଇ-ମେଲ/ପୋଷ୍ଟ

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ନଥି ସଂଖ୍ୟା - PRI-(IV)-9/08 ୪୯୪୦୮/ପି.ଆର.ଡା- 30.12.08

ପ୍ରେରକ

ଶ୍ରୀ ରବିନ୍ଦ୍ର ନାଥ ଦାଶ, IAS,

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ପ୍ରାପ୍ତେଷୁ,

ସମସ୍ତ ସରଫଠ

ବିଷୟ :- ଅନୁସୂଚିତ ଜନଜାତି ଏବଂ ଅନ୍ୟାନ୍ୟ ପାରମ୍ପରିକ ବନବାସୀଙ୍କର (ଜଙ୍ଗଲ ଅଧିକାର ସାକ୍ଷ୍ୟ) ଆଇନ୍, ୨୦୦୬ ଏବଂ ତତ୍ ଅନ୍ତର୍ଗତ ଅନୁସୂଚିତ ଜନଜାତି ଏବଂ ଅନ୍ୟାନ୍ୟ ପାରମ୍ପରିକ ବନବାସୀଙ୍କର (ଜଙ୍ଗଲ ଅଧିକାରୀ ସାକ୍ଷ୍ୟ) ନିୟମ ୨୦୦୬ ଆଧାରରେ ପଲ୍ଲୀସଭା ଆଦୃତ କରିବା ସମ୍ପର୍କରେ ।

ମହାଶୟ,

ନିର୍ଦ୍ଦେଶ କ୍ରମେ ମୁଁ ଉପରୋକ୍ତ ବିଷୟ ପ୍ରସଂଗରେ କହିବାକୁ ଚାହେଁ ଯେ, ଯେତୁକ୍ତ ସମ୍ପତ୍ତି ଓ ବାସସ୍ଥଳୀ ଉପରୁ ପାରମ୍ପରିକ ଅଧିକାର ନଥିବା ଅନୁସୂଚିତ ଜନଜାତି ଏବଂ ଅନ୍ୟାନ୍ୟ ପାରମ୍ପରିକ ବନବାସୀଙ୍କୁ ଚିହ୍ନଟ କରି ସେମାନଙ୍କ ଅଧିକୃତ ଜମି ଏବଂ ଜଙ୍ଗଲ ଅଧିକାରର ସାକ୍ଷ୍ୟ ନିମନ୍ତେ ଭାରତ ସରକାରଙ୍କର ଉପରୋକ୍ତ ଆଇନକୁ କାର୍ଯ୍ୟକାରୀ କରିବା ପାଇଁ ଡା-୧୬-୦୩-୦୮ ଓ ଡା-୨୩-୦୩-୦୮ ରିଖରେ ଦୁଇଟି ପର୍ଯ୍ୟାୟରେ ରାଜ୍ୟର ଗ୍ରାମ ମାନଙ୍କରେ ପଲ୍ଲୀସଭା ଆଦୃତ କରି ଜଙ୍ଗଲ ଅଧିକାର କମିଟି ଗଠନ ନିମନ୍ତେ ନିର୍ଦ୍ଦେଶ ଦିଆଯାଇଥିଲା ।

ଉପରୋକ୍ତ ଜଙ୍ଗଲ ଅଧିକାର ନିୟମ ଅନୁଯାୟୀ ସେହି ଗ୍ରାମର ବ୍ୟକ୍ତିଗତ ଓ ଗୋଷ୍ଠିଗତ ଅଭିଯୋଗ ଗୁଡ଼ିକ ପ୍ରଥମେ ପଲ୍ଲୀସଭାରେ ଆଲୋଚନା ହୋଇ ସାକ୍ଷ୍ୟ ଲାଭ ପରେ ତାହା, ଗଠିତ ଉପଖଣ୍ଡ ସ୍ତରୀୟ କମିଟିକୁ ପଠାଇବେ । କିନ୍ତୁ ପରବର୍ତ୍ତୀ ସମୟରେ ହରିଜନ ଓ ଆଦିବାସୀ ଉନ୍ନୟନ ବିଭାଗର ନିର୍ଦ୍ଦେଶକ, ଗଂଜାମ ଓ ପୁରୀ ଜିଲ୍ଲାକୁ ପରିଦର୍ଶନ ସମୟରେ ଏହା ଦୃଷ୍ଟିଗୋଚର ହେଲା ଯେ, ବିଭିନ୍ନ ଗ୍ରାମ ମାନଙ୍କରେ ଗଠିତ, ଜଙ୍ଗଲ ଅଧିକାର କମିଟି, ସେହି ଗ୍ରାମର ଜଙ୍ଗଲ ଅଧିକାର ସମନ୍ବିତ ଅଭିଯୋଗ ଗୁଡ଼ିକ ସେହି ଗ୍ରାମର ପଲ୍ଲୀସଭାର ସାକ୍ଷ୍ୟ ନଥାଇ ସିଧା ସଳଖ ଉପଖଣ୍ଡ ସ୍ତରୀୟ କମିଟିକୁ ପଠାଇଛନ୍ତି । ଏହା ଫଳରେ ଉପରୋକ୍ତ ଉପଖଣ୍ଡସ୍ତରୀୟ କମିଟି ଉକ୍ତ ଅଭିଯୋଗ ଗୁଡ଼ିକକୁ ସମ୍ପୂର୍ଣ୍ଣ ମଣ୍ଡଳ ଅଧିକାରୀଙ୍କୁ ସତ୍ୟ ପ୍ରମାଣ କରିବା ଏବଂ ପଲ୍ଲୀସଭାରେ ସାକ୍ଷ୍ୟ ଲାଭ କରିବା ପାଇଁ ଫେରାଇ ଦେଇଛନ୍ତି ।

ତେଣୁ ସମ୍ପୂର୍ଣ୍ଣ ଗ୍ରାମ ମାନଙ୍କରେ ଯେତେ ଗୁଡ଼ିଏ ଜଙ୍ଗଲ ସମନ୍ବିତ ଅଭିଯୋଗ ଆଗତ ହୋଇଅଛି ଏବଂ ଯେଉଁ ଅଭିଯୋଗ ଗୁଡ଼ିକ ପଲ୍ଲୀସଭାରେ ସାକ୍ଷ୍ୟ ପାଇଁ ଉପଖଣ୍ଡସ୍ତରୀୟ କମିଟିକୁ ଫେରସ୍ତ ହୋଇଅଛି, ସେହି ଅଭିଯୋଗ ଗୁଡ଼ିକ ପଲ୍ଲୀସଭାରେ ଆଲୋଚନା ଓ ସାକ୍ଷ୍ୟ ପାଇଁ ଡା-୧୮-୦୧-୦୯ ରିଖରେ ଏକ ସତ୍ୟ ପଲ୍ଲୀସଭା ଆଦୃତ କରିବା ପାଇଁ ସରକାର ଧାର୍ଯ୍ୟ କରିଛନ୍ତି ।

ଏଥି ନିମନ୍ତେ ଆପଣ ମାନଙ୍କୁ ଜଣାଇ ଦିଆଯାଉଅଛି ଯେ ଆପଣଙ୍କର ଫଟୋଗ୍ରାଫିକ୍ ଗ୍ରାମ ମାନଙ୍କରେ ଉପରୋକ୍ତ ଧାର୍ଯ୍ୟ ତାରିଖରେ ପଲ୍ଲୀସଭା ଅନୁଷ୍ଠିତ କରିବା ପାଇଁ ୧୫ ଦିନ ପୂର୍ବରୁ ନୋଟିସ୍ ଜାରି କରନ୍ତୁ ।

ଉକ୍ତ ପଲ୍ଲୀ ସଭାରେ ଯେପରି ଅନୁଧ୍ୟାନ ଦୁଇ ତୃତୀୟାଂଶ ପଲ୍ଲୀସଭା ସଭ୍ୟ ଓ ଅଧିକ ସଂଖ୍ୟାରେ ଆଦିବାସୀ ଓ ମହିଳା ଯୋଗ ଦିଅନ୍ତି ସେଥିନିମନ୍ତେ ସରପଞ୍ଚ ମାନେ ଯତ୍ନବାନ ହେବେ । ଏହି ସଭାରେ ପ୍ରସ୍ତାବ ଗୃହିତ କରିବାପାଇଁ ଏକ ନୋଟିସ୍ ଏବଂ ପଲ୍ଲୀସଭା ବାବରଣୀର ନମୁନା ଏଥି ସହିତ ସଂଲଗ୍ନ କରାଗଲା ।

**ଆପଣଙ୍କର ବିଶ୍ୱସ୍ତ**

**କମିଶନର ତଥା ଶାସନ ସଚିବ**

କ୍ଷାପକ ସଂଖ୍ୟା 49409 / ପିଆର୍ ତା - 30.12.08

ଏହାର ଏକକିତା ନକଲ ହରିଜନ ଓ ଆଦିବାସୀ ଉନ୍ନୟନ ବିଭାଗ / ରାଜସ୍ୱ ଓ ବିଧିବଦ୍ଧ ପ୍ରଶମନ ବିଭାଗ / ଜଙ୍ଗଲ ଓ ପରିବେଶ ବିଭାଗର ଅବଗତି ଏବଂ ବିହାର କାର୍ଯ୍ୟାନୁଷ୍ଠାନ ନିମନ୍ତେ ପ୍ରେରଣ କରାଗଲା ।

**ଯୁଗ୍ମ ଶାସନ ସଚିବ**

**By FAX / E-Mail/Post**

କ୍ଷାପକ ସଂଖ୍ୟା 49410 / ପିଆର୍ ତା - 30.12.08

ଏହାର ଏକକିତା ନକଲ ସମସ୍ତ ଜିଲ୍ଲାପାଳ ମାନଙ୍କ ଅବଗତି ଏବଂ ବିହାର କାର୍ଯ୍ୟାନୁଷ୍ଠାନ ନିମନ୍ତେ ପ୍ରେରଣ କରାଗଲା ।

**ଯୁଗ୍ମ ଶାସନ ସଚିବ**

**By FAX / E-mail**

କ୍ଷାପକ ସଂଖ୍ୟା 49411 / ପିଆର୍ ତା - 30.12.08

ଏହାର ଏକକିତା ନକଲ ସମସ୍ତ ଜିଲ୍ଲା ଉନ୍ନୟନ ସଂସ୍ଥାର ପ୍ରକଳ୍ପ ନିର୍ଦ୍ଦେଶକ / ଜିଲ୍ଲା ଫଟୋଗ୍ରାଫି ଅଧିକାରୀ ମାନଙ୍କ ଅବଗତି ଏବଂ ବିହାର କାର୍ଯ୍ୟାନୁଷ୍ଠାନ ନିମନ୍ତେ ପ୍ରେରଣ କରାଗଲା ।

**ଯୁଗ୍ମ ଶାସନ ସଚିବ**

**By E-Mail/Post**

କ୍ଷାପକ ସଂଖ୍ୟା 49412 / ପିଆର୍ ତା - 30.12.08

ଏହାର ଏକକିତା ନକଲ ସମସ୍ତ ମଣ୍ଡଳ ଉନ୍ନୟନ ଅଧିକାରୀ ମାନଙ୍କ ଅବଗତି ଏବଂ ବିହାର କାର୍ଯ୍ୟାନୁଷ୍ଠାନ ନିମନ୍ତେ ପ୍ରେରଣ କରାଗଲା ।

ମଣ୍ଡଳ ଅଧିକାରୀ ମାନଙ୍କୁ ଏତଦ୍ୱାରା ନିର୍ଦ୍ଦେଶ ଦିଆଯାଉଅଛି ଯେ ସେମାନେ ନିଜ ବୁକ୍ ଅନ୍ତର୍ଗତ ଫଟୋଗ୍ରାଫିକ୍ ମାନଙ୍କରେ ଯେପରି ଶାନ୍ତି ଶୃଙ୍ଖଳାରେ ପଲ୍ଲୀସଭା ହେବ ସେଥିପାଇଁ ବୁକ୍ ଚରଫରୁ ଅଧିକ ଏବଂ ଗ୍ରାମସେବକ ମାନଙ୍କୁ ନିର୍ଦ୍ଦେଶ ଦେବେ ଏବଂ ସେମାନେ ଏହି ନିର୍ଦ୍ଦେଶନାମା ଓ ପଲ୍ଲୀସଭାର ନୋଟିସ୍ ଏବଂ ପଲ୍ଲୀସଭା ବାବରଣୀ ନମୁନାର ନକଲ ଯଥେଷ୍ଟ ସଂଖ୍ୟାରେ ଗ୍ରାମ ପଞ୍ଚାୟତ ମାନଙ୍କୁ ପ୍ରେରଣ କରିବେ ।

**ଯୁଗ୍ମ ଶାସନ ସଚିବ**

## ପଲ୍ଲୀସଭା ବିବରଣୀର ନମୁନା

ଅଧ୍ୟ ଚା.....ଗିଣରେ ..... ଗ୍ରାମର ପଲ୍ଲୀସଭା ଅନୁଷ୍ଠିତ ହୋଇଥିଲା । ଏହି ସଭାରେ ନିମ୍ନଲିଖିତ ସରକାରୀ କର୍ମଚାରୀମାନେ ଉପସ୍ଥିତ ଥିଲେ । ଉକ୍ତ ଅଧିକାରୀମାନେ ସଭାରେ ଉପସ୍ଥିତ ଥିବା ସଦସ୍ୟମାନଙ୍କୁ "ଅନୁସୂଚିତ ଜନଜାତି ଓ ଅନ୍ୟାନ୍ୟ ପାରମ୍ପରିକ ବନବାସୀମାନଙ୍କର (ଜଙ୍ଗଲ ଅଧିକାର ସାକ୍ଷୀ) ଆଇନ୍ - ୨୦୦୬ ଏବଂ ଚେ ଅଚର୍ଚ୍ଚିତ (ଜଙ୍ଗଲ ଅଧିକାର ସିକ୍ୱିଟା ନିୟମ ୨୦୦୭ରେ ଥିବା ବିଭିନ୍ନ ବ୍ୟବସ୍ଥା ସଂପର୍କରେ ସବିଶେଷ ଆଲୋଚନା କରିଥିଲେ । ଉକ୍ତ ଆଇନ୍‌ର ବିଭିନ୍ନ ଧାରା ଏବଂ କାର୍ଯ୍ୟକାରୀତା ସଂପର୍କରେ ଉପସ୍ଥିତ ପଲ୍ଲୀସଭାର ସମସ୍ତ ସଦସ୍ୟଙ୍କୁ ଅବଗତ ହୋଇ ଜଙ୍ଗଲ ଅଧିକାର କମିଟିର ସଦସ୍ୟ/ସଦସ୍ୟାମାନଙ୍କୁ ଚୟନ କଲେ ।

### ପଲ୍ଲୀସଭାରେ ଉପସ୍ଥିତ ଥିବା ସରକାରୀ ଅଧିକାରୀ

କ୍ର. ସଂଖ୍ୟା	ସରକାରୀ ଅଧିକାରୀଙ୍କ ନାମ	ପଦବୀ ଓ ଠିକଣା

### ଜଙ୍ଗଲ ଅଧିକାର କମିଟି ନିମନ୍ତେ ବଛାଯାଇଥିବା ସଦସ୍ୟ

କ୍ର. ସଂଖ୍ୟା	ସଦସ୍ୟଙ୍କ ନାମ	ଠିକଣା

(ସର୍ବମୋଟ ୧୦ ରୁ ୧୫ ଜଣ ସଦସ୍ୟ ରହିପାରିବେ)

ପୁନଶ୍ଚ ସର୍ବସମ୍ମତିକ୍ରମେ ସଂପୂର୍ଣ୍ଣ ସ୍ୱାର୍ଥଜନିତ ବ୍ୟକ୍ତିମାନେ ସେମାନଙ୍କର ଏହି ଅଧିକାର ନିମନ୍ତେ ଦାବୀମାନ ଆଜିଠାରୁ ଆସନ୍ତା ତିନିମାସ ମଧ୍ୟରେ ଜଙ୍ଗଲ ଅଧିକାର କମିଟି ନିକଟରେ ଦାଖଲ କରିବା ପାଇଁ ସୁରାକ୍ଷିତ ହେଲା । ଏବଂ ଉକ୍ତ ଦାବୀ ଉପରେ ଆନୁସଂଗିକ ବିଚାର ଓ କାର୍ଯ୍ୟାନୁଷ୍ଠାନ ନିମନ୍ତେ ଜଙ୍ଗଲ ଅଧିକାର କମିଟିକୁ କ୍ଷମତାପତ୍ର କରାଗଲା ।

ସା-  
ସଭାପତି



## ଜଙ୍ଗଲ ଅଧିକାର କମିଟିର ବିବରଣୀ

ଆଜି ତା ..... ରିଖ ପଲ୍ଲୀସଭା ଦ୍ୱାରା ନିର୍ଦ୍ଧାରିତ ଜଙ୍ଗଲ ଅଧିକାର କମିଟି ନିମନ୍ତେ ସମସ୍ତ ସଦସ୍ୟଙ୍କର ବୈଠକ ଶ୍ରୀ/ଶ୍ରୀମତୀ.....ଙ୍କ ସଭାପତିତ୍ୱରେ ଅନୁଷ୍ଠିତ କରାଗଲା । ଆଲୋଚନା କରାଯାଇ ସର୍ବସମ୍ମତକ୍ରମେ ସଭ୍ୟ/ସଭ୍ୟାମାନଙ୍କ ମଧ୍ୟରେ ଶ୍ରୀ/ଶ୍ରୀମତୀ.....ଙ୍କୁ କମିଟିର ସଭାପତି ଏବଂ ଶ୍ରୀ/ଶ୍ରୀମତୀ.....ଙ୍କୁ କମିଟିର ସେକ୍ରେଟାରୀ ରୂପେ ଚୟନ କରାଗଲା । ଏହି ବିବରଣୀ ଏକ ନକଲ ଉପଖଣ୍ଡ ପ୍ରମାଣ ଜଙ୍ଗଲ ଅଧିକାର କମିଟିକୁ ପଠାଇବା ପାଇଁ ନିଶ୍ଚିତ୍ ନିଆଗଲା ।

କ୍ର. ସଂଖ୍ୟା	ଉପସ୍ଥିତ ସଭ୍ୟ/ସଭ୍ୟାଙ୍କର ନାମ	ସ୍ୱାକ୍ଷର
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ସ୍ୱାପକ ସଂଖ୍ୟା \_\_\_\_\_ / ତା: \_\_\_\_\_

ଏହାର ଏକକିଟା ନକଲ ଉପଖଣ୍ଡପ୍ରମାଣ ଜଙ୍ଗଲ ଅଧିକାର କମିଟି ନିକଟକୁ ପଠାଇବା ପାଇଁ ଗ୍ରାମପଞ୍ଚାୟତ ସେକ୍ରେଟାରୀଙ୍କୁ / ପଞ୍ଚାୟତ ନିର୍ବାହୀ ଅଧିକାରୀଙ୍କ ଅବଗତ ଓ ବିହିତ କାର୍ଯ୍ୟାନୁଷ୍ଠାନ ନିମନ୍ତେ ପ୍ରେରଣ କରାଗଲା ।

ସେକ୍ରେଟାରୀ ଜଙ୍ଗଲ ଅଧିକାର କମିଟି

ସ୍ୱାପକ ସଂଖ୍ୟା \_\_\_\_\_ / ତା: \_\_\_\_\_

ଏହାର ଏକକିଟା ନକଲ ମଞ୍ଜୁର ଅଧିକାରୀ/ ଉପକମିସନାରୀ/ ଏବଂ ଜିଲ୍ଲାପାଳଙ୍କ ଅବଗତ ଓ ବିହିତ କାର୍ଯ୍ୟାନୁଷ୍ଠାନ ନିମନ୍ତେ ପ୍ରେରଣ କରାଗଲା ।

ସେକ୍ରେଟାରୀ ଜଙ୍ଗଲ ଅଧିକାର କମିଟି

**BY FAX / POST  
MOST URGENT**

**GOVERNMENT OF ORISSA  
ST & SC DEVELOPMENT DEPARTMENT**

No. \_\_\_\_\_/SSD.  
TD - II - 11 / 08

Dated the Bhubaneswar

From

Shri R.K. Choudhury, OAS (SAG).  
Director (ST / SC) - cum - Additional  
Secretary to Government.

To

All P.A., ITDAs  
All DWOs

**Sub: Special meeting of Gram / Palli Sabhas on 18.01.2009 under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006 and Rules 2008.**

Sir / Madam,

I am directed to say that as per request of this Department, Panchayati Raj Department has requested all Sarpanchs in their letter No. 49408/PR Dt.30.12.2008 to convene the special meeting of Palli / Gram Sabha throughout the State on 18.01.2009 to consider the claim cases received by FRC / remanded by the SDLC as the case may be for consideration of SDLC as per statutory requirement.

You are, therefore, requested to please coordinate the matter and extend all possible cooperation to ensure that all such claim cases are duly verified in the field by Revenue & D.M. Deptt / Forest Department field functionaries for approval and recommendation in the Pallisabha convened on 18.1.2009 through out the State.

Yours faithfully,

**Director (ST/SC)- cum - Additional  
Secretary to Government.**

Memo No. \_\_\_\_\_/SSD. Dt.

Copy forwarded to Joint Secretary to Govt. Panchayati Raj Deptt / Revenue & DM Department / Forest & Environment Deptt. For information and necessary action with reference to PR Deptt. Memo No. 49409/PR Dt.30.12.2008.

**Director (ST/SC)- cum - Additional  
Secretary to Government.**

**By E.mail**

Memo No. 1805 /SSD. dt. 6.1.09

Copy to all Collectors / all P.Ds of DRDAs / all B.D.Os / All Sub-Collectors for information and necessary action.

**Director (ST/SC)- cum - Additional  
Secretary to Government.**

# ନୋଟିସ୍

ଏତଦ୍ୱାରା ଜଣାଇ ଦିଆଯାଉଅଛି ଯେ ତା . . . . . ରିଖ ଦିନ ସମୟ . . . . .

ଘଟିକାରେ ନିମ୍ନଲିଖିତ ବିଷୟ ଆଲୋଚନା ଏବଂ ପ୍ରସ୍ତାବ ନିମନ୍ତେ . . . . . ପଲ୍ଲୀସଭା ଅନୁଷ୍ଠିତ ହେବ । ଏଥି ନିମନ୍ତେ ସମସ୍ତ ପଲ୍ଲୀ ବାସୀଙ୍କୁ ଅନୁରୋଧ ସେମାନେ ସମସ୍ତେ ବହୁସଂଖ୍ୟାରେ ଯୋଗଦାନ କରିବାକୁ ସଫଳ କରିବେ ।

୧. ଅନୁସୂଚିତ ଜନଜାତି ଏବଂ ଅନ୍ୟାନ୍ୟ ପାରମ୍ପରିକ ବନବାସୀଙ୍କର (ଜଙ୍ଗଲ ଅଧିକାର ସାକ୍ଷ୍ୟ) ଆଇନ, ୨୦୦୬ ଏବଂ ତଦନ୍ତର୍ଗତ ଅନୁସୂଚିତ ଜନଜାତି ଏବଂ ଅନ୍ୟାନ୍ୟ ପାରମ୍ପରିକ ବନବାସୀଙ୍କର (ଜଙ୍ଗଲ ଅଧିକାର ସାକ୍ଷ୍ୟ) ଆଇନ, ୨୦୦୭ ଅନୁଯାୟୀ ଗ୍ରାମର ସଭ୍ୟ ଓ ସଭ୍ୟା ମାନଙ୍କର ବ୍ୟକ୍ତିଗତ ଓ ଗୋଷ୍ଠାଗତ ଅଭିଯୋଗ ଉପରେ ଆଲୋଚନା ହେବ ।

୨. ଉକ୍ତ ଆଇନ ଅନୁଯାୟୀ ବିଭିନ୍ନ ଦିଗ ସମ୍ପର୍କରେ ଆଲୋଚନା ।

ସରପଞ୍ଚ

## ପଲ୍ଲୀ ସଭାର ବିବରଣୀ (ନମୁନା)

ଆଜି ତା ..... ରିଖରେ ..... ଗ୍ରାମର ପଲ୍ଲୀସଭା  
ଅନୁଷ୍ଠିତ ହୋଇଥିଲା । ଏହି ସଭାରେ ନିମ୍ନଲିଖିତ ସରକାରୀ କର୍ମଚାରୀ ମାନେ ଉପସ୍ଥିତ ଥିଲେ ।

ପଲ୍ଲୀସଭାରେ ଉପସ୍ଥିତ ଥିବା ସରକାରୀ ଅଧିକାରୀ

କ୍ର.ସଂଖ୍ୟା	ସରକାରୀ ଅଧିକାରୀଙ୍କ ନାମ	ପଦବୀ ଓ ଠିକଣା

ଉକ୍ତ ସଭାରେ ଅନୁସୂଚିତ ଜନଜାତି ଏବଂ ଅନ୍ୟାନ୍ୟ ପାରମ୍ପରିକ (ଜଙ୍ଗଲ ଅଧିକାର ସାକ୍ଷ୍ୟ) ଆଇନ  
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ଉପରୋକ୍ତ ଦାବି ଉପରେ ଆନୁସଂଗିକ ବିଚାର ଓ କାର୍ଯ୍ୟାନୁଷ୍ଠାନ ନିମନ୍ତେ ଜଙ୍ଗଲ ଅଧିକାରୀ  
କମିଟିକୁ କ୍ଷମତାପତ୍ର କରାଗଲା ।

ସ୍ୱା /-  
ସଭାପତି

**Chief Secretary & Chief Development Commissioner  
Government of Orissa, Bhubaneswar**

Ajit Kumar Tripathy, IAS,

No. 6061 /SSD,  
TD - II - 51/08

Dated 4.2.09

To

All Collectors

**Sub: Implementation of Scheduled Tribes and Other Traditional Forest Dwellers  
(Recognition of Forest Rights) Act, 2006.**

**Ref: My demi official letter No.36829/CS dt. 20.10.2008**

Sir/Madam,

I find that after the meetings held in January under the Chairmanship of Revenue Divisional Commissioners, there has been some improvement in progress of implementation of the Act, However, I would like to draw your attention to the following points;

1. The Act is meant not merely for recognizing individual rights over the forest land but also community rights. Various kinds of the rights guaranteed under the Act are listed in Section 3(1). The reports received indicate the need to do more work in receiving as well as processing the community claims.
2. The decision-making authorities under the Act are clearly spelt out. **They are the Gram Sabha/ Palli Sabha, Sub-Divisional Level Committee and the District Level Committee.** It must be noted that the role of the officials is to render proper and timely assistance to these committees and to ensure custody of the records. No individual officer has been given the powers under the Act to overrule or object to the decisions of the appropriate authority, other than filing appeal to the next higher authority as prescribed.
3. Care needs to be taken that all records are properly maintained. A copy of the proceedings of the Gram Sabha/ Palli Sabha must be available with the concerned Secretary of the Gram Panchayat. Similarly the agenda notes as well as the proceedings of the SDLC must be available in proper order, with the Sub-Collector. The agenda notes and proceedings of the DLC must be available in the office of the Collector. Apart from this, the extract of the relevant portions of the agenda notes and proceedings of the SDLC or DLC of a particular village must be made available to the concerned Gram Sabha/Palli Sabha through the concerned GP Secretary, so that the right to appeal as envisaged in the Act can be ensured. You are requested to draw attention of all concerned officials to Section 7 of the Act, which provides for penalty in case of contravention.

4. It may be noted that the Act does not expressly provide for verification of claims as a matter of routine by officials, after the Gram Sabha has passed resolution on forest rights as per Section 4(1)(c). If SDLC or DLC requires any particular claim to be verified, the same must be attended to on top priority by the concerned officials of Revenue, or Forest or STSC Development Department. It may be ensured that such joint visits take place with due intimation to the concerned FRCs so that conclusions are drawn for each village and necessary reports are furnished to the SDLC or DLC, Care must be taken to see that indefinitely long time is not taken for this field verification.
5. List of forest habitations identified by the 2001 Census was already made available to you. As per Section 2(p) of the Act, even forest habitations which are technically not part of any Gram Panchayat can also constitute their FRCs and take up steps under the Act. This aspect needs to be communicated properly to all concerned and should be monitored closely.
6. As per Rule 11(5), the Palli Sabha has to meet whenever FRC presents their findings to it. Therefore, there is no need to wait for any Government decision on the date of Palli Sabha meetings. The ward members and the Sarpanches have to be impressed upon the need to hold Palli Sabha meetings as and when required.
7. As two-third members are required in the Palli Sabha meeting, you are required to ensure sufficient dialogue with the civil society. You may utilize the forum of the District Level Coordination Committee on NGOs for the purpose of enlisting capable and sincere NGOs in capacity building and awareness generation.
8. You are requested to take up another round of training at Sub-Divisional level, by bringing together all concerned, including officials, elected non-officials and members of the civil society so that the procedures and the functions of authorities under the Act are made known to all once again.
9. Map preparation at the SDLC level is crucial. You are requested to review this aspect and take steps to mobilize the personnel for this purpose properly.
10. You are instructed to make an in-depth review of implementation of the Act in your district and furnish your review note along with the MPR to the nodal department i.e. ST & SC Development Department regularly on monthly basis by 5<sup>th</sup> of each succeeding month without fail. It should be remembered that this is an item of topmost priority for the Govt. of Orissa. Any negligence at any level would be seriously viewed inviting major penalty disciplinary proceedings.

Yours faithfully,

Sd-  
Chief Secretary.

**Govt. of Orissa**  
**ST and SC Development Department**

No. 13295 /SSD, Bhubaneswar, Dated the 17.4.09  
TD-II-3/08(Pt.)

From

Shri B. Mishra, IAS.,  
Addl. Secy. to Government.

To,

**All Collectors / Sub-Collectors / D.F.O.s / D.W.O.s**

**Sub: Implementation of Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.**

Sir,

I am directed to say that this Department has already reviewed the implementation of Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006. As revealed during the Video Conference, 1, 45,825 individual claims have been approved by Palli Sabha and referred to Sub-Divisional Level Committee. Out of that 36,301 claims have been approved by the Sub-Divisional Level Committee and sent to District Level Committee. Out of that 29,772 claims have been approved by District Level Committee and awaiting distribution of Patta. Final Patta cannot be distributed, in view of stay orders by the High Court.

It is observed that although a large number of claims have been recommended by Palli Sabha, to the Sub-Divisional Level Committee, the same has not been cleared by SDLC. This is perhaps due to incomplete information, and other deficiency in the proposals received from Palli Sabha. We have permitted the services of retired Amins, retired R.Is and retired forest officials for verification of claims. Hence you may engage the services of these retired personnel, optimally. Joint squad may be constituted consisting of these officials and they may be asked to complete the verification in a time bound manner. The performance of these verification squad may be monitored closely.

After Election process is over, the claims of Forest Rights which are in order may be vetted by SDLC and DLC.

Besides, as discussed earlier, you may take steps for uploading data through Data Entry Operators, in the website of MOTA

Yours faithfully,  
Sd/-  
Addl. Secretary to Government

**Government of Orissa**  
**ST & SC Development Department**

No. 24828 /SSD, Bhubaneswar the dated 10.7.09.  
TD-II-6/08

**From :**

**Shri B. B. Mishra, IAS**  
**Addl. Secy. to Govt. of Orissa**

To

All Collectors /  
All Divisional Forest Officers

**Sub: Development of Forest Villages - details of population.**

Sir,

I am directed to enclose herewith the copy of the letter No.14020/15/2005-SG-11. dt. 30.6.2009 received from Ministry of Tribal Affairs, Govt. of India and request to furnish the details of population of each forest village being funded under the programme.

Therefore, you are requested to furnish the required information on no. of people (community wise) living in each forest village immediately by return of fax to this Department for onward transmission to Ministry of Tribal Affairs, Govt. of India. This may be treated as extremely urgent.

Yours faithfully,

Sd/-

Addl. Secretary to Government.



**GOVERNMENT OF ORISSA**  
**ST & SC Development Department**

No. 26286 / SSD, Bhubaneswar, Dated the 19.8.09  
TD-II-32/08

**From**

**Biswajit Misra, IAS,**  
**Addl. Secy. to Govt.**

**To**

All Collectors

**Sub: Implementation of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 and Rules framed there under.**

Sir,

As you are aware, the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 has become operational after notification of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2007 with effect from 01.01.2008. the law provides for recognition of forest rights to Scheduled Tribes in occupation of the forest land prior to 13.12.2005 and to Other Traditional Forest Dwellers who are in occupation of the forest land for at least three generations i.e. 75 years, prior to 13.12.2005.

A number of claims have been approved by Dist. Level Committee, after they are duly recommended by the SDLC & Gram Sabha. However, Pattas could not be distributed in the approved claims because of the stay order dated 23.7.2008 of the Hon'ble High Court, Orissa in the case of society of Retired Forest Officers Vrs. Union Government (W.P.(c) No.4933 of 2008). The Hon'ble Court has directed not to undertake any felling of trees and not to alienate any land by issuing Patta or by any other manner pursuant to the provisions of the aforesaid Forest Rights Act, 2006.

However, the stay order passed by the Hon'ble High Court has been vacated on 12.8.2009. The Court has observed as follows;

"We vacate the interim order dated 23.7.2008 and permit the authorities to issue certificate of title to the eligible forest dwelling scheduled tribes and other traditional forest dwellers under the Act which shall be subject to the result of the main writ petition".

In view of the above, you may take expeditious action to issue certificate of title to the eligible forest dwelling scheduled tribes and other traditional forest dwellers under the Act which shall be subject to the result of the main writ petition.

Action taken in the matter and no. of Titles for forest land issued along with area and no. of families covered both in Individual & Community claims may please be reported to this department for information of Govt.

Yours faithfully,

Sd/-  
Addl. Secy. to Govt.

**Memo No.28287 dt. 19.8.09**

Copy to all RDC for kind information and necessary action.

Sd/-  
Addl. Secy. to Govt.

**GOVERNMENT OF ORISSA  
S.T. & S.C. DEVELOPMENT DEPARTMENT**

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No 28318 /SSD. , Bhubaneswar the dated, 20.08.09  
Stat & D/Cell-23/09

**From:**

**Shri B. Mishra, I.A.S.,  
Additional Secretary to Government.**

**To**

The P.A., ITDA, Baripada/Kuchinda/ Sundergarh/Parlakhemundi/Phulbani/Koraput/

Malkangiri/Nowarangpur/Rayagada/Keonjhar/Th.Rampur/DWO,Dhenkanal/Angul/Jajpur

**Sub: Two-day orientation training programme of Govt. officials on ST & Other  
Traditional Forest Dwellers Right (Recognition of Forest Rights) Act, 2006.**

Sir,

I am directed to say that SC & ST Research and Training Institute, Bhubaneswar (near CRPF Square) is going to recognize two number of two-day orientation training programme each for Govt. officials involved in the process on ST & Other Traditional Forest Dwellers Right Act' 2006 in their Institute, Bhubaneswar, which has been slotted from 28-29 August 2009 and 1<sup>st</sup> & 2<sup>nd</sup> September respectively.

Your name has been intimated to the Director, SCSTRTI, Bhubaneswar as a participant as per the programme given under.

You are, therefore, requested to report for the above training programme before the Director, SCSTRTI, Bhubaneswar as per the date, time and venue mentioned against each without fail.

Yours faithfully,

Sd/-

**Additional Secretary to Government**

Batch No.1  
Date:-28<sup>th</sup> & 29<sup>th</sup> August'2009  
Venue: - SCSTRTI (Near CRPF Square)  
Bhubaneswar at 10.00 AM

Batch No.2  
Date:-1<sup>st</sup> & 2<sup>nd</sup> Septmber'2009  
Venue: - SCSTRTI (Near CRPF Square)  
Bhubaneswar at 10.00 AM

Sl. No.	Designation	Sl. No.	Designation
1.	P.A.,ITDA,Baripada	1.	P.A.,ITDA, Malkangiri
2.	P.A.,ITDA, Kuchinda	2.	P.A.,ITDA, Nowarangpur
3.	P.A.,ITDA, Sundargarh	3.	P.A.,ITDA, Rayagada
4.	P.A.,ITDA, Parlakhemundi	4.	P.A.,ITDA, Keonjhar
5.	P.A.,ITDA, Phulbani	5.	P.A.,ITDA, Th.Rampur
6.	P.A.,ITDA, Koraput	6.	DWO, Dhenkanal
7.	DWO, Sambalpur	7.	DWO, Angul
8.	DWO, Jharsuguda	8.	DWO, Jajpur

No 28319/ SSD. , dt. 20.08.09

Copy forwarded to Director, SCSTRTI, Bhubaneswar for information and necessary action with respect to his letter No.2318/Trg., dt.24.07.2009.

Sd/-  
Additional Secretary to Government

Memo No. 28320/ SSD. , dt. 20.08.09

Copy forwarded to the collectors concerned with a request to relieve the officers for attending the training programme as per the date/time mentioned above.

Sd/-  
Additional Secretary to Government

**GOVERNMENT OF ORISSA**  
**S.T. & S.C. DEVELOPMENT DEPARTMENT**

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No 28807/ SSD. , Bhubaneswar, Dated the 21.08.09

From:

Shri B. Mishra, I.A.S.,  
Additional Secretary to Government.

To

All Collectors.

**Sub: Distribution of Patta, to the eligible beneficiaries under Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.**

Ref: This Deptt. Letter No.28286-TD-II-32/08, dated 19.08.2009

Sir,

In inviting a reference to the subject stated above, I am directed to say that while distributing **patta** to the eligible Scheduled Tribes and Other Traditional Forest Dwellers under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, the local M.L.A. should be invited.

Yours faithfully,

Sd/-

Additional Secretary to Government

**GOVERNMENT OF ORISSA  
REVENUE AND DISASTER MANAGEMENT DEPARTMENT**

No.GE (GL) S-23/09 (Pt-II) - 34149/ R & DM dtd. 31.08.09

From

Shri R.K. Sharma, IAS,  
Commissioner-cum-Secy. to Govt.

To

All Collectors

**Sub:- Implementation of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 and Rules framed there under.**

Ref: ST & SC Development Department Letter No.28288 dt. 20.8.09 addressed to all Collectors.

Madam/Sir,

I am directed to say that although a number of claims for issues of record of forest rights (both individual and community rights) under ST & Other Traditional Forest Dwellers(Recognition of Forest Rights) Act / Rules have been approved by the DLC after being duly recommended by the SDLC and Gram Sabha such titles could not be conferred upon the eligible claimants because of stay order dated 23.7.2008 of the Hon'ble High Court, Orissa passed in W.P (c) No.4933/2008 filed by the Society of Retired Forest Officers Orissa - Vrs - Union of India and others.

ST & SC Development Department in Letter under reference has already informed you that the Hon'ble High Court has vacated the aforesaid stay order in its order dated 12.08.09 passed in Misc. Case No.10825/2008, No.1902/2009 and No.5192/2009 and has been pleased to permit the authorities to issue certificate of title to the eligible forest dwelling STs and other traditional forest dwellers under the Act which shall be subject to the result of the main writ petition.

In view of the above circumstance, you are requested to please take immediate steps for issue of certificate of title to the eligible forest dwelling STs and Other Traditional Forest Dwellers under the Act which shall be subject to the result of the main writ petition.

You are, further, requested to intimate the number of titles for forest land issued along with area and number of families covered both in individual and community claims to this Department as well as to ST and SC Development Department by 10<sup>th</sup> September, 2009 positively.

Yours faithfully,

Sd/-  
Commissioner-cum-Secy. to Govt.

**GOVERNMENT OF ORISSA  
REVENUE AND DISASTER MANAGEMENT DEPARTMENT**

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No 36818 / CSR&D.M. Dated 19.09.2009

From:

Shri R.K. Sharma, I.A.S.,  
Commissioner-cum-Secretary to Government.

To

All Collectors.

**Sub: Distribution of Titles to eligible persons under the ST & OTFD (RFR) Act, 2006.**

Sir/Madam,

You must have taken steps for expeditious processing of the applications and distribution of titles to the eligible persons under the RFR Act, 2006 in accordance with instructions issued to you by the ST&SC Development Department consequent to vacation of stay order by the Hon'ble High Court

I am desired to say that Hon'ble MLAs and Hon'ble MPs must be kept informed about the programme for distribution of titles well in advance of the proposed date so that they may be associated with the programme.

Progress made in distribution of titles should be reported to ST&SC Development under intimation to the Revenue & DM Department.

Yours faithfully,

Sd/-

Commissioner-cum-Secretary to Government

**Memo No. 36819 /CSR&DM, dated 19<sup>th</sup> September, 2009**

Copy submitted to Principal Secretary, ST&SC Development Department for kind information & necessary action.

Sd/-

Commissioner-cum-Secretary to Government

**GOVERNMENT OF ORISSA**  
**ST & SC DEVELOPMENT DEPARTMENT**

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No. 36638/SSD

Dated, the 6<sup>th</sup> October, 2009

T.D.-II-32/2008

From

**Sri S.P. Nanda, IAS,**  
**Development Commissioner and Addl. Chief Secretary,**  
**Bhubaneswar – 751001**

To

**All Collectors / RDCs.**

**Sub: Distribution of certificates of titles under the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 & Rural framed there under.**

Madam/Sir,

Please refer to letter no. 6182 / SSD, dt. 15.02.2008 of ST & SC Development Department and D.O. Letter No. 36829 dt. 20.10.2008, Letter No. 6061 dt. 04.02.2009, D.O. Letter no. 30408 dt. 31.08.2009 of Chief Secretary and Chief Development Commissioner's regarding proper implementation of the provisions of the Scheduled Tribes and other Traditional Dwellers (Recognition of Forest Rights) Act, 2006 & Rules framed there under.

2. You were requested in the D.O. Letter no. 30408 dt. 31.08.2009 of Chief Secretary and Chief Development Commissioner to take expeditious steps to issue certificates of title to the eligible ST and other traditional forest dwellers under the aforesaid Act by 15.09.2009. In the last joint review taken by ST & SC Development Department along with Revenue & D.M. and Forest and Environment Departments on 24.09.2009, it was found that only 21,537 number of certificates of titles have been distributed in the State against 44,854 claims approved by DLCs. There was no distribution of certificate of titles in 9 (nine) districts of Central Division, Subarnapur in Northern Division and Boudh, Kandhamal, Nuapada in Southern Division. This is a sorry state of affairs. I would urge upon RDCs to review the performance of those districts, where the performance was nil and other poorly performing districts in their Division and take appropriate remedial action under intimation to Government.
3. It is surprising to note that as against 3,954 numbers of claims approved by DLCs of Central Division, only 28 title deeds have been distributed. Similarly out of 11,465 claims approved by DLCs of Northern Zone, only 3838 title deeds have been distributed. Against 29,435 claims approved by the DLCs of Southern Division, 9085 title deeds have been distributed. This is unacceptable. I would urge upon RDCs and Collectors to ensure distribution of certificates of titles in all cases approved by DLCs by 15.10.2009. It would be viewed very seriously otherwise.



4. Further the gap between the claims approved by the Palli Sabhas, claims approved by SDLCs and claims approved by DLCs are huge; I would request all Collectors to analyse the reasons for this and take pro-action steps for ensuring that gap is reduced.
5. Chief Secretary at Para-3 of his Letter no. 6061 dated 04.02.2009 had advised all Collectors that case records have to be maintained at the level of Palli Sabha. SDLC & DLC and all proceeding must be recorded. He had also advised at Para-4 of the above letter against routine verification of claims after the Gram Sabha has passed a resolution on forest right as per Section 4 (1) (c). It appears that this has not been followed in many districts and case records are being built at different levels, at the last stage after approval by DLCs. It has also been observed that Sub-Collators as Chairman of DLCs and Collectors as Chairman of DLCs are referring the cases to the Tahasildars and DFOs in a routine manner causing further delay in the processing of cases.
6. It is requested that you ensure distribution of certificates of titles in all cases approved by DLCs and also ensure all pending cases referred to the DLCs and pending at the level of SDLCs are processed expeditiously and certificates of titles are distributed. The provisional certificates of titles should be prepared in good paper in five copies, one for retention in the Districts, one for Sub-Division, one for Tahasil, one for D.F.O and the last one for individual as per the guidelines mentioned in the Act. The title deeds should be compared and signed before distribution by the issuing authority.
7. For the implementation of the Act / Rules, PA, ITDAs / Project Director, DRDAs (in non-TSP areas) have been authorized to spend money from Article-275 (1) if the Constitution for specified purpose towards engagement of contractual R.I., Amin, Data Entry Operators and awareness generation, writing of pattas, printing, photo copying and contingencies etc.
8. The certificate of titles should be distributed preferably at the G.P. headquarters in the presence of that local people representatives (M.P., M.L.A Chairman, Zilla Parishad / Panchayat Samiti) wherever possible so that no beneficiaries would come to the District / Sub-Division or Block Headquarters incurring unnecessary expenditure.
9. I would urge upon you to take all possible steps to ensure the distribution certificates of title in a mission mode and distribution the same to the beneficiaries by 15<sup>th</sup> October, 2009 and upload correct data by engagement of Data Entry Operators as required with the help of DIO, NIC.

Yours faithfully,

Development Commissioner and Addl. Chief Secretary

**GOVERNMENT OF ODISHA  
ST & SC DEVELOPMENT DEPARTMENT**

No.36639 / SSD  
T.D.-II-32 / 2208

Dated the 6<sup>th</sup> October, 2009

**From**

**Sri S.P.Nanda, IAS  
Development commissioner and Addl. Chief Secretary,  
Government of Odisha,  
Bhubaneawar – 751001**

**To**

**All RDCs / Collectors.**

**Sub: Poor Implementation of the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006 Rules framed there under in particular Vulnerable Tribal Groups (PTGs).**

Madam / Sir,

It has been brought to the notice of Government that the number of claims filed under the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006 & Rules framed in PTG / Micro Project areas are negligible. The claims of this finally approved by DLCs are therefore, very less.

Tribes residing in the Micro Project areas should have benefited under the Act / Rules on priority. I would, therefore, requested you to organize special awareness campaigns in the Micro Project area ensure training of Special Officer of Micro Project and other connected officials and active the FRCs and Palli Sabhas in the area. You should ensure that the claims of this area are processed expeditiously by SDLCs and DLCs and reviewed by you specially every fortnight. The figure relating to the Micro Project are should be reported by you separately in the monthly progress report henceforth.

Yours faithfully,

Development Commissioner and Addl. Chief Secretary

**GOVERNMENT OF ORISSA  
REVENUE & DISASTER MANAGEMENT DEPARTMENT**

No . CB-II-R-14/09 38997/ R&D.M., Dated, Bhubaneswar, the 8/10/09

From:

Shri B.N. Das,  
Special Secretary to Government.

To

All Collectors.

**Sub: Inter-active Training Programme with Field Level Officers under Gramsat Pilot Project**

Ref: Revenue & D.M. Deptt. Letter No. 2194/R&DM., dated 21.01.2009.

Sir/Madam,

I am directed to invite reference to the subject mentioned above and to say that next Inter-active Training Programme (ITP) with Field Level Officers will be conducted on 19.10.2009(Monday)from 10.30 A.M. to 1.30. P.M. at Main Studio of ORSAC complex, Bhubaneswar and the discussion will be held on following subjects. The Hon'ble Minister, Revenue & Disaster Management has given kind consent to Chair this Gramsat Programme.

1. Progress of S.Ts and Other Traditional Forest Dwellers(R&FR) Act, 2006.
2. Progress of Mo Jami – Mo Diha Campaign.
3. Progress of Basundhara Scheme.
4. Regulation 2 of 1956.
5. Land Pass Book.
6. Distribution of Govt. land for agricultural purpose.
7. Filling up vacancy position in Tahasil and R.I. Offices.
8. Conferring of Dafayati to Rights.

You are, there-fore, requested to please make it convenient to attend the Inter-active Training Programme along with concerned Field Level Officers in the Video Conference Hall. The Commissioner-cum-Secretary to Govt., Revenue & D.M. Deptt./Addl. Secretary to Govt., Revenue & D.M. Deptt./Director, Land Records & Surveys & Consolidation, Orissa, Cuttack will act as Resources Persons in the Programme. If you intend to inter-act with Resource Persons during the programme, you may dial Tel.0674-2300733.

Yours faithfully,

Sd/-  
Special Secretary to Government.

PTO)

Memo No.....//R&DM., dated, the

Copy forwarded to Private Secretary to Hon'ble Minister, Revenue & Disaster Management for kind information of Hon'ble Minister.

Sd/-

Special Secretary to Government.

Memo No.....//R&DM., dated, the

Copy forwarded to Private Secretary to Commissioner-cum-Secretary, Revenue & Disaster Management for kind information of Commissioner-cum-Secretary.

Sd/-

Special Secretary to Government.

Memo No.....//R&DM., dated, the

Copy forwarded to Sri K.P. Dash, Addl. Secretary to Government, Revenue & Disaster Management Deptt. / Sri Jagannath Behera , Addl. Secretary to Government, Revenue & Disaster Management Deptt for information.

Sd/-

Special Secretary to Government.

Memo No. 39001 //R&DM., dated, the 8/10/09

Copy forwarded to all Heads of Deptt. under Revenue & Disaster Management Deptt. for information and necessary action.

Sd/-

Special Secretary to Government.

Memo No..... //R&DM., dated, the

Copy forwarded to all Desk Officers/Section Officers of Revenue & Disaster Management Deptt. except Accounts/Audit/Legal Cell/Budget Sections for information and necessary action. They are requested to furnish notes on topics relating to their Branches by 15.10.2009 to Co-ordination(B)Br.

Sd/-

Special Secretary to Government.

Memo No. 39003 //R&DM., dated, the 8/10/09

Copy forwarded to Chief Executive, ORSAC, Bhubaneswar FAX No. 2300681 for information and necessary action.

Sd/-

Special Secretary to Government.

**GOVERNMENT OF ORISSA  
S.T. & S.C. DEVELOPMENT DEPARTMENT**

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No 36899 / SSD.  
Stat. & D.Cell-27/09

Bhubaneswar dated 09.10.09

From:

Shri Biswar Kumar Nayak,  
Special Secretary to Government.

To

The Collector, Mayurbhanj/Angul/ Keonjhar/Sundergarh/Gajapati/Ganjam/  
Rayagada /Malkangiri/Kandhamal/Deogarh/Kalahandi/Nuapada.

**Sub: Distribution of title deeds land to the landless Scheduled Tribe person belonging to Particularly Vulnerable Tribal Groups (PTGs) under the STs and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.**

Madam/Sir,

I am directed to invite a reference to Letter No.36639/SSD., dt 6.10.09. of Development Commissioner and Addl. Chief Secretary on the above subject and to say that during the visit of Hon'ble Minister, SC &ST Development, Minorities & Backward Classes Welfare, Orissa, to different Districts, it has come to his notice that so many tribal people are rendered landless. The STs & Other Traditional Forest Dwellers (Recognition of forest Rights) Act, 2006 has given ample scope for conferring title to these groups. The performance of distribution of the titles in PTG/Micro Project areas is quite negligible.

It is, therefore, requested to kindly look into the matter personally and see that all PTG Tribal persons in PTG/Micro Project areas are provided with title deeds under the provisions of above Act, 2006 and no one is left for any reason whatsoever.

Action taken in this matter may please be reported for kind appraisal of Governor.

Yours faithfully,

Sd/-

Special Secretary to Government

Memo No.36900 /SSD. dt 9.10.09.

Copy forwarded to all PA, ITDAs /Special Officer, Micro Projects for information & necessary action.

Sd/-

Special Secretary to Government

**GOVERNMENT OF ORISSA  
REVENUE AND DISASTER MANAGEMENT DEPARTMENT**

No 40938 /CSR&D.M. Dated 23.10.2009

From :

Shri R.K. Sharma, IAS  
Commissioner-cum-Secretary to Government

To

All Collectors

**Sub: Grant of Titles to ST persons under RFR Act, 2006.**

Sir/Madam,

This is to say that during video conference to review the progress of grant of Forest Rights to eligible persons held on 21.10.09, a number of Collectors and DFOs have stated that they are awaiting stage 2 clearance in respect of pre-1980 encroachment cases for which stage 1 clearance has been granted by the Government of India.

It may be noted that for the eligible cases under RFR Act, 2006 i.e., cases of possession of forest land by ST persons prior to 13.12.05, there is no necessity of waiting for stage 2 clearance any more. It has been clarified in the video conference that titles may be issued in all such eligible cases under the RFR Act, 2006 and not under the special dispensation of Forest Conservation Act. Since the maps and supporting documents for all such cases are readily available, these cases may be granted forest titles on priority basis.

You are instructed to take steps accordingly.

Yours faithfully,

Sd/-

Commissioner-cum-Secretary to Government

**Memo No 40939/CSR&DM, dated 23<sup>rd</sup> October, 2009**

Copy submitted to Principal Secretary to Government, ST & SC Development Department for kind information.

Sd/-

Commissioner-cum-Secretary to Government

**GOVERNMENT OF ORISSA**  
**FOREST & ENVIRONMENT, DEPARTMENT**  
**No. 10F (cons) 6/2008 19902/F&E, Dated: 25.11.09**

From,

Sri L.D. Sethi  
Joint Secretary to Government.

To

The Principal Chief Conservator of Forests, Orissa.

**Sub.: Claims under the Forest Rights Act.**

Ref.: Your letter No. 16092 dt. 26.10.2009

Sir,

With reference to the above mentioned communication on the captioned subject, I am directed to say that Section 4(3) of the Scheduled tribe & Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 stipulates that the recognition and vesting of forest rights under the Act to the forest dwelling Scheduled Tribes and to other traditional Forest Dwellers in relation to any State or Union territory in respect of forest land and their habitat shall be subject to the condition that such scheduled Tribes or tribal communities or other traditional forest dwellers had occupied forest land before the 13<sup>th</sup> day of December, 2005. Further Section 2(o) of the Act defines the terms "other traditional forest dwellers" that any member or community who has for at least three generations prior to the 13<sup>th</sup> day of December, 2005 primarily resided in and who depend on the forest or forests land **for bona fide livelihood needs**. For the purpose of understanding, the terms 'generation' has been taken a period of twenty five years.

From the above provision, it is understood that claimants belonging to tribal communities must have been in occupation of the forest land prior to 13<sup>th</sup> December, 2005 so as to be eligible to put forth their claims under the provisions of the ST & OTFD (RFR) Act, 2006 where as the claimants belonging to 'other traditional forest dwellers' should have been in possession of a tract of forest land three generations prior to 13<sup>th</sup> December, 2005 i.e. from 13<sup>th</sup> December, 1930 for which claims are being made by them under the present Act.

Regularization of Pre – 1980 eligible category of forest encroachments includes the cases of people belonging to both the tribal and non-tribal groups. These cases of forest encroachments which have been effected prior to 25.10.1980 i.e the day from which the

Forest Conservation Act was enforced, can be regularized subject to compliance of stipulations of Govt. of India, MoEF final approval order.

Therefore apparently, there is nothing wrong in settling the claims of eligible tribals under the provisions of Scheduled Tribes & Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 whose cases have already been processed under the Forest Conservation act, 1980 / Supreme Court Directive for pre-1980 regularisation. However, the claims of 'other traditional forest dwellers' can not be settled under the Scheduled Tribes & Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 unless they are in possession of such land prior to 13<sup>th</sup> December, 1930. Rather these cases which have been processed for pre-1980 regularisation, can be settled in favour of eligible claimants subject to compliance to stipulations prescribed by Govt. of India, MOEF in their final approval order in this respect.

Yours faithfully,

Sd/-

Joint Secretary to Government

Memo No. 19903 / F&E Dt. 25.11.09

Copy forwarded to the Principal Secretary, ST&SC Development Department / Principal Secretary, Revenue & Disaster Management Department for information and necessary action.

Sd/-

Joint Secretary to Government



Shri Ashok K.Tripathy, I.A.S,  
Principal Secretary to Government,  
ST&SC Development and Minorities  
& Backward Classes Welfare Deptt.  
Government of Orissa

Phone No.0674-2536672(0)  
Fax No 0674-2396806  
Email:welsec@ori.nic.in.  
Bhubaneswar

D.O. No. 43137/  
Dated 2<sup>nd</sup> December, 2009

Dear

1. During the last review of performance of Districts and Revenue Divisions under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, Hon'ble Chief Minister had instructed that there should be 100% coverage of Particularly Vulnerable Tribe Groups (earlier named as Primitive Tribal Groups (PTG) under the Forest Rights Act,2006.
2. From the information furnished by you (Annexure-1), the distribution of titles under the Act in different Micro Projects is not satisfactory in many districts except SDA, Chandragiri (Gajapati district), BDA, Mudulipada (Malkangiri District) and JDA, Gonasika (Keonjhar district).
3. I would request you to analyze the reasons for unsatisfactory performance in other Micro Projects (Annexure-1) and take the following steps:-
  - a) Train the Special Officers of Micro Projects through Master Trainers.
  - b) Do awareness generation about the Act/Rule in Micro Project areas through tribal cultural troupes or NGOs.
  - c) Ensure receipt of individual/community applications from all households, process the applications received through "squad approach".
  - d) Then monitor the processing of applications through Grama Sabha, SDLC and DLC at each stage.
  - e) Ensure the distribution of titles through concerned MLAs/Zilla Parishad / President/Panchayat Samiti Chairman/Collector/DFO/PA, ITDA.

Yours Sincerely,  
Sd/-  
(Ashok K.Tripathy)

Shri B.P. Panda  
Collector & District Magistrate, Nuapada,  
At/Po-Nuapada, Dist:-Nuapada  
Pin-766105

Memo No 43138 Dated 02.12.09

Copy forwarded to Shri Chandra Sekhar Kumar, IAS, Revenue Divisional Commissioner (SD), Berhampur, At/Po:-Berhampur, Dist:-Ganjam, Pin-760004 for favour of kind information and necessary action.

Sd/-  
Principal Secretary to Govt.  
ST & SC Dev. Department

**Government of Orissa  
Panchayati Raj Department**

Letter No. 38708 /PR dated 05.12.09

II-NREGS-43/09

From

**Sri S.N. Tripathi, IAS**  
Commissioner-cum-Secretary

**Sri A.K. Tripathy, IAS**  
Principal Secretary

To

All Collectors-cum-DPCs /  
All PD, DRDAs. / All PA ITDAs

**Sub.: Land Development, Horticulture Plantation and Farm Pond in the Land of Beneficiaries under Forest Rights Act under NREGS – regarding.**

Sir,

Inviting a reference to the subject cited above, I am directed to say that para – 1 (iv) of amended schedule – 1 of NREG Act provides for irrigation facility, horticulture plantation and land development facilities including farm pond to land owned by households belonging to SC & STT or BPL families or beneficiaries of land reforms or beneficiaries under IAY or small and marginal farmers. It has been decided to cover beneficiaries of land under Forest Rights Act under Land Development, Horticulture Plantation and Farm Pond under NREGS to improve their livelihood status.

Therefore, you are requested to take up Land Development, Horticulture Plantation and Farm Pond in the Land of Beneficiaries under Forest Rights Act under NREGS in consultation with PA, ITDA and Agriculture Department at the District level as per the following guidelines.

**Eligibility of Beneficiaries:**

The beneficiaries of land under Forest Rights Act those who belong to any of the category of BPL / ST / SC / IAY / Land Reform beneficiaries / small and marginal farmers families are eligible for this programme. They must be registered job card holders issued by the Gram Panchayat under NREGA.

**Selection of Beneficiaries:**

Selection of beneficiaries for this programme shall be done by Palli Sabha. List of selected beneficiaries shall be approved by respective Gram Sabha. The projects shall be part of the annual shelf of projects and will be approved as per NREGS Guidelines.

### **Nature of Assistance:**

Depending on the land holding, selected beneficiaries can take up Land Development, Horticulture Plantation and farm Pond in their lands out of NREGA fund subject to prescribed ceiling of Rs.50,000/-. Expenditure beyond the prescribed ceiling shall be voluntarily contributed by concerned beneficiaries, DRDAs should make standard design and estimate of the works within the prescribed ceiling.

### **Implementing Agency:**

Orissa Watershed Development Mission (OWDM), Orissa Tribal empowerment and Livelihood Programme (OTELP), Orissa State Forestry Development Programme (OSFDP), Directorate of Soil Conservation, Panchayat Samiti and Gram Panchayat will be the implementing agencies for execution of this programme.

### **Fund Flow:**

The funds for this programme will be released to Line Departments from concerned DRDAs directly. The Panchayat Samitis and Gram Panchayats will execute from their available funds under NREGS.

### **Implementation Procedure:**

- i. Selected beneficiaries will apply to the respective BDO-cum-Po in case of non-watershed areas and to the PIA in case of watershed areas with all relevant documents including copy of ROR in support of owning land.
- ii. The concerned BDO-cum-PO/PIA shall arrange for field enquiries to judge the eligibility of the beneficiary and feasibility of the project through field staff.
- iii. After field enquiry, if the beneficiary found eligible and project is feasible, the work order will be issued in favour of beneficiary. All the documents and enquiry report will be kept in the concerned case record.
- iv. This programme will be executed by engaging the family members (Registered with the GP under NREGA) of the beneficiary as well as other registered job seekers of the GP.
- v. Still photographs before, during and after completion of the project must be taken which will also form part of the case record.
- vi. Before commencement of the work, the BDO / PIA will move to DRDA for online technical sanction and financial sanction.
- vii. Unique numbered muster roll shall be collected from the office of BDO-ucm-Programme officer.
- viii. Payment shall be made on piece rate i.e. out turn basis (not on wage-rate basis).

- ix. For better supervision and monitoring, works should be taken up in cluster to the extent possible.
- x. Extensive IEC activities shall be under taken for awareness and transparency measures.
- xi. The wages of the laboureres will be transferred to their savings accounts through Bank / Post office.
- xii. Copy of the muster roll along with other expenditure will be submitted to the concerned Panchayat Samiti for online entry and to Gram Panchayat for record.
- xiii. Online entry of expenditure and other details shall be done by Panchayat Samiti.
- xiv. DPC-cum-Collectors of Districts will issue further detail instructions / Guidelines, if needed, for smooth Implementation of this mission.
- xv. Provisions of NREGA shall be strictly observed, in letter and spirit while implementing this mission.

This is for your information and necessary action.

Sd/-  
(A.K. Tripathy)  
Principal Secretary

Yours faithfully,  
Sd/-  
(S.N. Tripathi)  
Commissioner-cum-Secretary

Memo No. 38709 /PR dated 05.12.09 .

Copy forwarded to all RDCs for information and necessary action.

Sd/-  
Commissioner-cum-Secretary

Memo No. 38710 /PR dated 05.12.09 .

Copy forwarded to Agriculture Department / Water Resources Department / Forest Department / SC & ST Department for information and necessary action.

Sd/-  
Commissioner-cum-Secretary

Memo No. 38711 /PR dated 05.12.09 .

Copy forwarded to Principal Chief Conservator of Forest, Bhubaneswar / Director, Agriculture & Food Production, Orissa / Director (Watershed Mission) / Director (Soil Conservation) / Director (Horticulture)/ Director (Fisheries) for information and necessary action.

Sd/-  
Commissioner-cum-Secretary



**Shri Ashok Kumar Tripathy, IAS**  
Principal Secretary to Govt.  
S.T. & S.C. Development Department,  
Government of Odisha

Phone No. 0674-2536672 (0)  
Fax : 0674-2396806  
Email : welsec@ori.nic.in  
Bhubaneswar  
D.O. No. 44228 / SSD  
File No. TD-II32/2008  
Date 14.12.09

Dear

**Sub:- Engagement of Retired R.I.s / Amins and Advocate for the land entitlement to the Scheduled Tribes as per Regulation 2 of 1956 of the Scheduled Area, under the Forest Rights Act, 2006 and other Revenue Laws in OTELP villages.**

Please refer to letter No.1472 dt.11.11.2009 of Programme Director, OTELP Bhubaneswar, where in it has been intimated to expedite the restoration of lands in favour of tribals which are under possession of non-tribals under the provisions of Regulation 2 of 1956 within the programme villages of OTELP as per the decisions taken in the 8<sup>th</sup> meeting of Programme Steering Committee held on 29.10.2009 under the Chairmanship of the Chief Secretary, Orissa. In this connection, the decisions were taken as follows: -

2. Engagement of retired R.I.s / Amins in every programme village / group of villages, who will be entrusted with the works relating to cases under Regulation 2 of 1956, identification of eligible beneficiaries, collection of applications from the beneficiaries and processing the same and survey of scheduled land under the Regulation 2 of 1956, the Forest Rights Act, 2006 and other Revenue Laws.
3. Advocates may be engaged for every programme Block / group of Blocks / Tahasils for expediting of cases pending under Regulation 2/1956 in the court of Sub-Collector/ OSD (LR) in the district as well as in other Superior Courts / Honourable High Court, Orissa in respect of OTELP programme villages and to provide legal defence to the tribal landless people for expeditious disposal of such cases. The Advocates may pursue their revenue cases in the Courts of Tahasildars, Sub-Collectors, ADMs / Collectors and other Superior Courts.
4. The expenditure to be incurred for engagement of retired R.I.s / Amins and Advocate may be met from the Legal Defence Funds of OTELP placed with the P.A., ITDAs. The wages / payment will be settled basing on success rate of the cases undertaken and duly certified by the officers authorized for the purpose.
5. Your plan of action and engagement of required personnel like retired R.I.s / Amins and Advocates along with the list of authorized officers may kindly be furnished to P.D, OTELP. You should ensure that tribals of OTELP villages in OTELP Blocks of your district get land rights under various Revenue Laws and Forest Rights Act.

Yours Sincerely  
Sd/-  
(Ashok K. Tripathy)

Collectors (By name)

(Gajapati, Kalahandi, Kandhamal, Koraput, Malkangiri, Nawarangapur & Rayagada)

Memo No. 44229, Dated 14.12.09

Copy forwarded to P.D., OTELP, IDCCOL Building, 2<sup>nd</sup> Floor, Bhoi Nagar, Bhubaneswar-751007 for kind information w.r to his letter No. 1472 dated 11.11.09.

Sd/-  
Principal Secretary to Govt.  
ST & SC Development Department

**Government of Orissa**  
**Revenue & Disaster Management Department**

\*\*\*

No 48387 /R&DM,  
GE(GL)-S-23/09(Pt.)

Dated the 15<sup>th</sup> December, 2009

From

Shri B.N. Das  
Special Secretary to Government

To

All Collectors.

**Sub: Grant of titles to ST persons under ST & OTFD (RFR) Act,2006.**

Madam/Sir,

I am directed to say that vide this Department letter No. 40938 dated 23.10.2009, instructions have been issued to take necessary steps for issuing titles under The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 in favour of the eligible Pre-1980 ST encroachers whose cases have, already been processed under Forest (Conservation) Act, 1980 for regularization, without waiting for stage-II clearance by Government of India, MoEF.

However, during the last review(through video conferencing) on 9.12.2009 on progress of grant of forest rights under RFR Act, 2006, it has come to the notice of this Department that some field level revenue/forest functionaries have not acted upon the aforesaid instructions till date. In fact, it has been clarified in the video conference held on 21.10.2009 that titles may be issued in all such eligible cases of ST population under RFR Act, 2006 and without waiting for regularization of Pre-1980 encroachments under the provisions of Forest(Conservation) Act, 1980.

In this connection, the Forest & Environment Department in its letter No. 19902 dtd.25.11.2009 has also advised the PCCF, Orissa in the same line. A copy of the letter is enclosed for reference.

Since Government of India as well as the State Government are attaching utmost importance to distribution of titles in favour of all eligible claimants under RFR Act, 2006 within a specific time, you are requested to give personal attention to the matter and ensure issuance of titles to all such eligible ST persons under RFR Act, 2006 irrespective of the fact that their cases have been processed under Forest (Conservation) Act, 1980.

Progress made in this regard may please be intimated to ST&SC Development Department as well as to this Department from time to time.

Yours faithfully,

Sd/-

Special Secretary to Government

**Memo No 48388 /R&DM, dated 15<sup>th</sup> December, 2009.**

Copy forwarded to Principal Secretary to Government, ST&SC Development Department / Forest & Environment Department for information and necessary action with reference to Forest & Environment Department Memo No.19903/dtd.25.11.2009.

Sd/-

Special Secretary to Government

**GOVERNMENT OF ORISSA  
ST & SC DEVELOPMENT DEPARTMENT**

No 45659 /SSD Dated , Bhubaneswar the, 26.12.09.  
TD-II-32/08

From,

Sri B.K. Nayak  
Special Secretary to Govt.

To,

All Collectors.

**Sub: Implementation of STs and Other Traditional Forest Dwellers.(Recognition of Forest Rights)Act,2006.**

Sir,

I am directed to refer to the subject cited above and say that in the review meeting through video conferencing on Implementation of STs and Other Traditional Forest Dwellers. (Recognition of Forest Rights) Act\*2006, the deficiencies noticed and instructions issued verbally are reiterated below:

1. It is mandatory to communicate the copy of the final order of Grama Sabha/SDLC/ DLC to the claimants of both individual and community claims, so that the applicant can know the position of his claim to go for appeal, wherever necessary. This was mentioned at Para-3 of letter No. 6061/TD-II-51/08 Dtd.04.02.09 of Chief Secretary, Govt. of Orissa.
2. It is found from the review meeting that No. of claims settled in the Revenue Forest is more than the claims received from the Protected and Reserved Forest. So expeditious steps may be taken to issue instructions to the field functionaries for collection and settlement of claims in the Reserved and Protected forest. Hence forward, the information regarding settlement and distribution of titles may be shown separately under Col.24 & 25 of the return in respect of Revenue Forest and PF/RF with areas.
3. It is found that some villages out of the village list of Census 2001 are left out, in which the FRCs have not been constituted as yet. So you are requested to please verify the list of villages as per the census figure and the claim applications may be collected by constituting FRCs in those villages. The village list under Tahasil / District with that of Census 2001 may be reconciled and result thereof intimated.

4. The working plans for the reserved Forest of your district, available with DFOs contain individual and community rights. Reserved Forest Notifications also contain individual/community rights. This may be shared with Grama Sabha, SDLC and DLC. The community claims as mentioned may please be processed pro-actively in those areas, so that the titles will be distributed in Community Right Cases.
5. It has come to the notice that, in most of districts uploading of data are made at DLC level. Hence, most of the data available with SDLC and Grama Sabha are not uploaded. So the uploading datas should be made at SDLC level, where all the records received and claims received from the Grama Sabha could be uploaded.
6. The Utilization Certificate has not been received from most of the districts on the amount released under Article-275(1) for implementation of Forest Right Act. The U.C. may please be sent to this Dept. for further release of funds.

You are therefore requested to take remedial measure on above points quickly under intimation to this Department.

Yours faithfully,

Sd/-

Special Secretary to Government

Memo No 45660 , Dt. 26.12.09

Copy forwarded to DFOs (By name) / all PA, ITDA (By name)/all Special Officer, Micro Project(By name)/all DWOs (By name) for information and necessary action.

Sd/-

Special Secretary to Government





**SHRI ASHOK KUMAR TRIPATHY, IAS**  
Principal Secretary to Govt.  
S.T. & S.C. Development Department,  
Government of Orissa

2322757(0)  
Fax : 2393249,2396806  
Email: welsec@ori.nic.in

**D.O. No. 46126 / SSD**  
**Date 31.12.09**

Dear

Revenue Department has already clarified vide their Letter No. 40938 dt. 23.10.2009 that Pre-1980 encroachment cases relating to tribals can be settled under "The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006". The information relating to Pre-1980 encroachment cases for 25 districts is given in Annexure-1. I would request you to kindly discuss with DFOs to ensure that the information is shared by him with you, Sub-Collectors and concerned Gram Sabhas. Individual applications can then be collected and processed upwards pro-actively so that all Pre-1980 encroachment cases relating to tribals can be settled under the Forest Rights Act, 2006.

Similarly Section 4 (5) of "The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006" provides that "no member of a forest dwelling Scheduled Tribe or Other Traditional Forest Dweller shall be evicted or removed from forest land under his occupation till the recognition and verification process is complete". Hence tribals who were in occupation of forest land till 13<sup>th</sup> December, 2005 can now be settled under the Forest Rights Act, 2006. It has been brought to our notice that 28,371 encroachment cases were pending in different districts till date (Annexure-2). The cases of tribals among these encroachments can now be settled under the Forest Rights Act, 2006. I would, request you to discuss with your DFOs and ensure settlement of above categories of tribal encroachments (till 13<sup>th</sup> December, 2005) of forest land under the Forest Rights Act, 2006.

Yours Sincerely,  
(Sd/-)  
(Ashok K. Tripathy)

All Collectors (by name)

Memo. No. 46127 Dated . 31. 12. 09

Copy along with enclosures forwarded to Principal Secretary to Govt. Forest & Environment Department / Commissioner-cum-Secretary to Govt. Revenue & Disaster Management Department / ROCs (by name) for favour of kind information and necessary action.

Principal Secretary to Govt.  
ST & SC Development Department

## Annexure - I

### INFORMATION SHEET ON PROPOSAL SENT TO GOVT OF INDIA FOR REGULARISATION OF PRE - 1980 ENCROACHMENT

Sl. No.	District	No. of Pre-1980 encroached Villages/forest Villages	Area in Ha. To be regularized	Families to be benefited	Area for C.A. in Ha	Cost of C.A. (In Rs.)
1	Sonepur	5	5.0281	180	6	152,800.00
2	Angul (F.V)	2	226.3217	130	234.5319	4,660,575.00
3	Angul	5	4.6674	96		
4	Boudh	4	87.955	74	87.95	4,122,130.00
5	Ravagada	13	14.34	223	14.34	190,180.00
6	Nawarangpur	21	679.608	504	680.04	12,803,000.00
7	Sundergarh	10	296.117	264	297.198	8,495,000.00
8	Kalahandi (F.V)	3	359	96	359	5,126,000.00
9	Kalahandi	26	416.154	264	416.148	5,324,000.00
10	Gajapati	30	183.285	270	253.29	4,541,057.00
11	Khurda	3	74.12	54	93.12	805,000.00
12	Dhenkanal	11	214.112	214	214.112	5,010,000.00
13	Jajpur	10	385.53	566	385.55	8,867,190.00
14	Cuttack	5	65.241	133	66	1,510,000.00
15	Kondhamal	20	438.317	265	410	5,466,000.00
16	Koraput	25	446.995	511	446.995	6,391,936.00
17	Ganjam	32	504.5639	505	504.9928	11,029,668.00
18	Nayagarh	3	29.3208	144	29.8049	577,620.00
19	Mayurbhanj	4	10.666	95	18	180,000.00
20	Bargarh	1	0.08	5		

21	Bargarh (F.V)	3	172.6104	141	220	2,220,000.00
22	Sambalpur	6	2.75	16	5.5	39,204.00
23	Jharsuguda	11	52.36	293	67.26	1,188,306.00
24	Deogarh	2	45.3869	43	46.2347	933,903.00
25	Nuapada	8	14.551	27	15.063	301,360.00
	<b>TOTAL</b>	<b>263</b>	<b>4729.0802</b>	<b>5113</b>	<b>4891.13</b>	<b>90,134,829.00</b>

## Annexure - II

### POST 1980 Illegal Encroachment of Forest Land

Name of the Forest Division	Area under encroachment (ha)	No of cases Booked In Court of Law (12/01)
Angul	947.89	136
Athagarh	45.597	192
Athamallik	16.0647	31
Baliguda	2892.922	27
Bamra	31.87	77
Baramaba (W/L)		
Baripada	588.415	549
Bolangir	1330.77	547
Boudh	84.454	55
Chandaka (W/L)	97.77	53
Deogarh	89.94	185
Dhenkanal	336.739	770
Ghumsar (N)	378.831	251
Ghumsar South	401.507	603
Joypore	1683.8866	1978
Kalahandi	286.49	137
Karanjia	415.056	652
Konjhar	4331.0489	1416
Parlariar	323.231	347
Mahanadi (W/L)		

Mangrove Forest Division Rajnagar	4796.072	488
Nabarangpur	18129.704	12104
Nayagarh	242.95	27
Paralakhemundi	2478.034	2381
Phulbani	688.46	756
Puri	1390.13	385
Rairakhol	229.42	158
Rayagada	2298.182	1931
Sambalpur	288.9364	40
Satkosia	1.214	1
Sunabeda (W/L)	5.247	11
Sundargarh	2484.227	2101
<b>Total</b>	<b>47304.1269</b>	<b>28371</b>

**GOVERNMENT OF ORISSA**  
**REVENUE AND DISASTER MANAGEMENT DEPARTMENT**

No. 68 /CSR&D.M. Dated 4<sup>th</sup> January, 2010

From:

Shri R.K. Sharma, IAS  
Commissioner-cum-Secretary to Government

To

All Collectors.

Sir/Madam,

It has been brought to the notice of the Government that a number of applications received under the "Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006" relate to revenue non-forest land. Such applications are, therefore, being rejected by the committees constituted under the Forest Rights Act.

As you are aware, the policy of the Government is to provide homestead land to all homesteadless persons. Surveys have been conducted under the "Vasundhara" scheme for covering all such homesteadless persons for grant of land in the past. Hence applications that cannot be considered under the FR Act, 2006 should be taken up under the relevant land laws applicable for non-forest lands.

There are provisions in the Orissa Government Land Settlement Act and the Orissa Prevention of Land Encroachment Act for settlement of Government land in favour of eligible persons. These provisions should be utilized in all deserving cases.

Hence you are directed to ensure that all eligible cases relating to non-forest land should be considered and provided Land under the OGLS Act and OPLE Act proactive following due procedure in all cases where the application under Forest Right Act are rejected on the ground that the land occupied by the applicant is not forest land.

These instructions should be brought to the notice of all Sub-Collectors, Tahsiladars, Revenue Inspectors and other field functionaries of Revenue Department for strict compliance.

Yours faithfully,

Sd/-

Commissioner-cum Secretary to Govt.

Memo. No. 369 / CSR & DM dated 4 January, 2010

Copy submitted to Secretary, Board of Revenue, Orissa, Cuttack/Principal secretary, ST&SC Development Department/ all Revenue Divisional Commissioners for kind information and necessary action.

Sd/-

Commissioner-cum Secretary to Govt.

Memo. No. 370/ CSR & DM dated 4 January, 2010

Copy to PS to Minister, R&DM for kind information of Honourable Minister.

Sd/-

Commissioner-cum Secretary to Govt.

**SHRI SURJYA NARAYAN PATRO**  
**MINISTER**  
**Revenue & Disaster Management**  
**Orissa**

Office: (0674) 2536952  
Phone EPABX: 2173  
Res: (0674) 2555244  
E-mail: surjyapatro@rediffmail.com  
D.O. No 71 /MR&DM  
**BHUBANESWAR**  
Dated the 5/1/2010

Dear

Please recall our discussion today Morning i.e., on 04.01.2010 regarding Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006. It is understood that the applications which relates to forest land under this Act are being allowed but the applications received under the said Act relating to revenue non-forest land are being rejected by the Committee constituted under the Forest Right Act. In order to be away with such difficulties and since the policy of Government is to provide homestead land to all homestead less persons, it has already been instructed that the concerned authorities are to treat the applications in case of non-forest land under Basundhara under the OGLS Act. In this connection, the Department of Revenue have further issues an order to all Collectors, the copy of which is enclosed for your reference.

With regards,

Yours sincerely  
Sd/-  
(Surjya Narayan Patro)

Mr. Sanjoy Patnaik ,  
State Director, RDI  
Flat No.1/2, Plot No. N-2/43  
Shreemaa Enclave, IRC Village,  
Bhubaneswar

**GOVERNMENT OF ORISSA  
ST & SC DEVELOPMENT DEPARTMENT**

\*\*\*\*\*

No. 1567 / SSD Dated, Bhubaneswar the  
Stat. & D. Cell-28/09

06.01.2010

From

Shri B. K. Nayak  
Special Secretary to Govt.

To

The Director,  
SC & ST Rand TI,  
CRP Square, Bhubaneswar.

**Sub:- Organization of Training Programme for Tribal Youths on implementation of Forest Rights Act-2006 & Other Welfare Programmes.**

Sir,

I am directed to refer to the subject cited above and say that the Govt. have been pleased to organize training programme for 200 tribal youth from each district this year on implementation of Forest Rights Act-2006. Apart from this, the tribal youths should be sensitized about various schemes like Art. 275 (I) / SCA to TSP / Other CSP / CP Schemes meant for ST people.

2. I would request you to organize these training programmes from time to time under prior intimation to this Deptt.
3. Besides, as per the discussion held in the chamber of Principal Secretary on 1<sup>st</sup> January 2010, you are requested to print 15,000 copies of above Act and Rules in English and Oriya, out of which cost of 10,000 copies may be met from the funds placed with you recently under for Art. 275 (I) for the purpose and the rest will be borne by PO, OTELP from his funds under awareness schemes for the beneficiaries covering under the scheme.

Yours' faithfully,

Sd/-  
Special Secretary to Govt.

Memo No. 1568 / Dt. 06.01.2010  
Copy forwarded to PO, OTELP for information and necessary action.

Sd/-  
Special Secretary to Govt.



**Biswar Kumar Nayak**  
Special Secretary to Govt.  
S.T. & S.C. Development Department

D.O. No. 3435 / Bhubaneswar  
Stat & D. Cell-28/09  
Date 27.01.10

Dear

**Sub:- Implementation of STs and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.**

It has come to the notice of the Government that PRI members of DLC and SDLC are not aware of the Forest Rights Act / Rules and availability of forms under the said Act. Therefore, Govt. in ST & SC Dev. Deptt. have been pleased to take the following decisions for sensitization and active participation of PRI representative at the District, Sub-Division, Block and GP level, so that the benefits under the STs and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 would be reached out to all target groups.

1. Half day training programme for President, Vice-President and all members of Zilla Parishad may be organized at District Headquarters. TA/DA may be provided to them on the training day as per the guidelines of PR Deptt. along with working lunch. They may be provided with one / two page guidelines in Oriya on Forest Rights Act, 20-25 nos. individual claim forms & 5-10 nos. of community right claim forms along with Oriya / English version of Forest Rights Act /Rules.
2. Half day training programme for Chairman / Vice-Chairman and all members of Panchayat Samiti may be organized at Block Headquarters. Similar training programme be organized for Sarpanch, GP Secretary and all Ward Members at GP Headquarters with provision to give TA/ DA as per guideline of the PR Deptt. along with working lunch. They may be provided with one / two page guideline on the Forest Rights Act, 20-25 nos. individual claim forms & 5-10 nos. of community right claim forms along with Oriya / English version of Forest Rights Act and Rules.

3. Training Programme for all FRC members may also be organized at GP level through Master Trainers or the NGOs of the District and for the members of DLC and SOLC at District Headquarters. TA, DA and working lunch should also be provided to these members.
4. Training Programme may be arranged by you on the Forest Rights Act / Rules and other important welfare programmes for the ST people like Article-275(1) / SCA to TSP / Other CSP/ CP Schemes for Tribal Youths by selecting five (05) Tribal Youth (Graduate / Matriculate / 7<sup>th</sup> Class Pass (below 30 years of age) from each village of Scheduled Area / MAOA Block/ DTDP Area/Clusters so that the Tribal Youth will act as facilitator to the villagers.
5. Expenditure can be met out of the funds available under article-275(1) and if more funds are required, you may intimate the same along with submission of UC for previous amount allocated.

I would request you to organize these training programmes at various levels within a period of 15 days and intimate the dates with details of said training to this Deptt. for record.

Yours sincerely,

(B. K. Nayak)

To

**All Collectors (by Name)**

Memo No. 3436 dt. 27.01.10

Copy forwarded to the Principal Secretary, Forest & Environment Deptt. / Commissioner-cum-Secretary to Govt., Panchayati Raj Deptt. / Commissioner-cum-Secretary, Revenue & Disaster Management Deptt./ All ROCs for information and necessary action.

**Special Secretary to Govt.**



**Government of Orissa**  
**Revenue and Disaster Management Department**

No.GE(GL)-S-23/09(Pt-I)- 5309/ R&DM.

Dated 11.2.2010

From

Shri R.K. Sharma, IAS  
Commissioner –cum-Secy. to Govt.

To

All Collectors.

Sub: Grant of titles to eligible STs and Other Traditional Forest Dwellers  
Under ST & OTFD (RFR) Act, 2006.

Madam/Sir.

I am directed to say that during the review on progress of grant of forest right under RFR Act, 2006 on 8<sup>th</sup> and 9<sup>th</sup> December 2009 (Video Conferencing), it was noticed that some of the Collectors/Field level functionaries are not considering claim petitions relating to all types of forest land under the Act.

It may be noted that under section 2(d) of the aforesaid Act, forest land is defined as follows:

"Forest land " means land of any description falling within any forest area and includes unclassified forests, un-demarcated forests, existing or deemed forests, protected forests, reserved forests, Sanctuaries and National Parks.

Therefore, the definition of forest land under the Act is wide enough to include all types of forest including that of the jungle kissam land found in the Revenue records.

Thus, claims relating to the following types of land are to be processed under the said Act and forest rights titles are to be issued in favour of the eligible STs and other traditional forest dwellers.

- i) revenue land where the remarks column mentions that it is Gramya Jungle/ Patra Jungles etc.
- 2) revenue land where the kissam is mentioned as Forest.
- 3) any forest land recorded in favour of Forest and Environment Department or Revenue and DM Department which has been mentioned in the District Level Committee report which formed the basis for the affidavit filed by the State Govt. before the Hon'ble Supreme Court in connection with WP(C) No.202/1995-T.N. Godavarman Thirumulkpad -Vrs—Union of India and others during 1997.

It is therefore, requested that immediate necessary action may be taken for processing and disposing of the claims of the eligible STs and Other Traditional Forest Dwellers in respect of the types of forest land mentioned above under the said Act.

All concerned field level functionaries may be intimated accordingly.

Yours faithfully,

Sd/-

Commissioner –cum-Secretary to Govt.

Memono.5310 R&DM, Dated 11.2.10

Copy forwarded to Secretary Board of Revenue Orissa Cuttack/ All RDCs for information and necessary action.

Sd/-

Commissioner –cum-Secy.to Govt.

Memono.5311/R&DM Dated 11.2.10

Copy forwarded to Principal Secretary to Govt.ST and SC Dev.Deptt.Principal Secy.to Govt.Forest and Environment Deptt.for information and necessary action.

Sd/-

Commissioner-cum-Secy.to Govt.

**FOREST HEADQUARTERS, ORISSA  
OFFICE OF THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS  
ARANYA BHAWAN, BHUBANESWAR – 23**

**Memo No. 2779 /9F (Misc.) 75/09 (Vol – II)**

**Dated, Bhubaneswar, the 25<sup>th</sup> February, 2010**

From:

S.C. Mohanty,

Principal Chief Conservator of Forests, Orissa.

To

All Divisional Forest Officers (T/WL)

**Sub:- Implementation of the Scheduled Tribes & Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 – recognition of forest rights over the claims made in respect of the forest land under the control of the Forest Department.**

Government in S.T. & S.C. Development have brought to our notice that claim petitions involving forest land other than Revenue forests have not been disposed of in any significant number by the SDLCs and DLCs under the ST & OTFD (RFR) Act / Rules. You are required to see pro-actively that such claims for title over forest land and community rights in respect of Reserve Forests, DPFs, PRFs and other notified forest areas are expeditiously dealt with at all levels.

Besides, regularization of pre-1980 eligible category of forest encroachments which are dealt with under the Forest (Conservation) Act, 1980 includes the cases of people belonging to both tribal and non-tribal groups. These pre-25.10.80 forest encroachments can be processed for regularization under the procedure laid down under F.C. Act. Under this procedure, the claims of non-tribals which cannot be settled under the ST & OTFD (RFR) Act, 2006 may be taken up. All such cases which have already been approved under the F.C. Act can be settled in favour of the eligible claimants subject to compliance of the stipulations made by MoEF, Govt. of India in their final approval order in this respect.

The DFOs and the ACTs are required to play their assigned role in facilitating disposal of claim petitions filed under the Forest Rights act in respect of all categories of forest lands and also in taking up appropriately the cases of non-tribal claimants who may be eligible pre-1980 encroachers in terms of the provisions under the F.C. Act.

Sd/-

**Principal CCF, Orissa.**

Memo No. 2780 /Dt. 25.02.10

Copy forwarded to all Regional Chief Conservators of Forests / Conservator of Forests, Rourkela for information and guidance.

**Sd/-**

**Principal CCF, Orissa.**

Memo No. 2781 /Dt. 25.02.10

Copy forwarded to the Principal Secretary to Govt. of Orissa, Forest and Environment Department for information with reference to Govt. letter no. 2961/F&E dt. 9.2.2010 and no. 19902/F&E dt.25.11.2009.

**Sd/-**

**Principal CCF, Orissa.**

Memo No. 2782 /Dt. 25.02.10

Copy forwarded to the Principal Secretary to Govt. S.C. & S.T. Development Department for information.

**Sd/-**

**Principal CCF, Orissa.**



**Biswar Kumar Nayak**  
**Special Secretary to Govt.**  
**S.T.& S.C. Development Department**

**D.O. No. 9728 / Bhubaneswar**  
**TD-II-32/2008**  
**Date 09.03.2010**

**Dear**

**Sub:- Implementation of STs and Other Traditional Forest Dwellers  
(Recognition of Forest Rights) Act, 2006.**

I am desired to say that in most of the cases the map indicating the area of forest land on which title has been issued, has not been given to the eligible claimants, which is mandatory under Rule 6(e), 11 (2) (ii) and 12 (1) (e) of the STs and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rule 2007. Paramount importance should be given to provide maps delineating the area of each claim with recognizable landmarks in the back side of the title deeds.

2. It is observed that in some districts the claims have been received after the due date authorized by Gram Sabha i.e. within the period of 3 months to receive the claims. For those late cases, it may be required to extend the time by convening meetings of Gram Sabha for acceptance of the claims as per the Rule 11 (1) (a) of the STs and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rule 2007. Remedial measures may please be taken at the Gram Sabha level for extension of time in respect of those claims received beyond the stipulated time of three months.
3. It is observed that pendency position at FRCs, GSs, SDLCs and DLCs levels is much more in spite of several instructions issued vide DO dt.2.12.09 of this Deptt. for quick disposal i.e. by using squad approach, micro planning at the village level. The pendency position pertaining to your district at all levels enclosed in Annexure-I may be cleared in a proactive manner, so that implementation of the Act will attain its goal at an early date.

**Yours Sincerely,**  
**Sd/-**  
**(B. K. Nayak)**

**To**  
**All Collectors (By name)**

**GOVERNMENT OF ORISSA  
ST & SC DEVELOPMENT DEPARTMENT**

No. 10021 / SSD Dated, Bhubaneswar the,  
Stat & D. Cell- 28/09

10/3/2010

From,

Sri B.K. Nayak  
Special Secretary to Govt.

To,

The Director,  
Sc & ST R and TI  
CRP Square, Bhubaneswar

Sub : Printing of 1000 copies of compendium consisting of circulars/instructions issued from time under Forest Rights Act,2006.

Sir,

In continuation to this Dept. letter No. 1567 dt.06.01.2010 on the captioned subject, I am directed to say that as per discussion held in the chamber of Principal Secretary on 1<sup>st</sup> January, 2010, you are requested to print 1000 copies of proposed compendium consisting of circulars, instructions and order of the Govt. from time to time under Forest Rights Act'2006 out of the funds placed with you under Article-275(1). Furtherk, I am to send herewith the further circulars issued by the Govt. recently.

You are, therefore, requested to please take steps for printing of the said compendium early for distribution to filed functionaries for its utilization as reference for implementing the Forest Rights Act.

Yours faithfully,

Special Secretary to Govt.

**List of Circular/Instructions :**

- 1) Letter No.-1567/SSD dt.06.01.10 of Spl. Secretary to Govt. - Relating to Org. of Training Programme for Tribal Youths on implementation of ST & OTFD (RFRs) Act, 2006 and Other Welfare Programme.
- 2) D.O. No.3435 dt.27.01.10 of Spl. Secretary to Govt. - On Training Programme of members of 2 Parishad, Panchayat Samiti and FRC Members & Tribal Youth on implementation of F.R. Act, 2006.
- 3) D.O. No 46126 dt.31.12 .2009 of Principal Secretary to Govt. on settlement of all Pre-1980 encroachment cases relating to tribals under F.R.Act., 2006.
- 4) Letter No.-45659/SSD dt.26.12.09 of Spl. Secretary to Govt. – Processing of claims in Protected and Resumed Forest Areas as well as in the left out villages under F.R. Act, 2006.
- 5) Letter No. – 44228/SSD dt. 14.12.2009 of Principal Secretary to Govt – Engagement of Retried RIs/Amins and Advocates for the land entitlement to the STs as per Regulation 2 of 1956 of Scheduled Area under the FRA, 2006 and other Revenue Laws in OTELP Village.
- 6) Letter No.-2779 dt. 25.02.2010 of Principal. CCF, Orissa to All DFOs on Recognition of Forest Rights over claim made in respect of forest land under the control of Forest Deptt. Under Forest Rights Act.
- 7) DO No.-8348 dt. 20. 2. 2010 of Principal Secretary, ST & SC Dev. Deptt. to All Collectors & RDCs regarding frequency asked questions on determination and recognition of Community Forest Rights under FRA.
- 8) DO No.-9728 dt. 09.03.2010 of Special Secretary to all Collectors regarding implementation of STs and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.
- 9) Letter No. 5309/R&DM dt. 11.02.2010 of Commissioner-cum-Secretary, R&DM Dept. to all Collectors regarding grant of titles to illegible STs and Other Traditional Forest Dwellers under ST & OTFD (RFR) Act.,2006.

**Shri Vinod Kumar, IFS  
Special Secretary to Govt.  
S.T. S.C. Development Department**

**Ph. No. 0674 – 2390780 (O)  
Fax - 0674 – 2393249  
D.O. No. - 12514/ Bhubaneswar  
TD-II – 32/08  
Date: 26.03.10**

Dear

**Sub.: Implementation of the Scheduled Tribes and Other Traditional Forest Dwellers  
(Recognition of Forest Rights) Act, 2006.**

I am desired to say that it was found in the last review meeting on 03.03.2010 that in some district in the Scheduled Areas, the PA, ITDAs as Nodal Officer are putting their signatures in the certificates of titles in place of District Welfare Officer. But as per the Rule – 8(h) Annexure – II & III of the Forest Rights Rules 2007, the DWO of the district is empowered to sign in the certificate of title alongwith the Collector and the Divisional Forest Officer. The Forest Rights Act, being the Central Act & the Rules thereof can not be violated in any circumstances. The DWO and other official as Nodal Officer for the district be accordingly instructed.

I would therefore request you to kindly look into the matter personally for issuing the certificate of titles with DWO as provided under the said Rules under intimation to this Deptt. Certificates already issued need to be also corrected.

Yours sincerely,

Sd/-

**(Vinod Kumar)**

To,

**All RDCs /**

**All Collectors (By name)**



Shri Vinod Kumar, IFS  
Special Secretary to Govt.  
S.T. S.C. Development Department

Ph. No. 0674 – 2534871 (O)  
Fax - 0674 – 2396806  
D.O. No. - 12976 / Bhubaneswar  
Date: 03.04.10

Dear

**Sub.: Sharing of the maps and verification report with the Gram Sabha.**

I am desired to say that in the Video Conference held on 22<sup>nd</sup> and 23<sup>rd</sup> March 2010, it has come to the notice that the procedure for verification of claims prescribed under the Act is not adhered to by the RI/Amins supporting field verification for Gram Sabha Resolution / Recommendations. It is to be noted that as per Section 6 of the Forest Rights act and Rule 4 there under. Gram Sabha is the authority to initiate the process for determining the nature and extent of individual and community forest rights by receiving claims, consolidating and verifying them and preparing a map delineating the area of each recommended claim and pass resolution on it and forward a copy of the same to the SDLC. Rule 11(2) requires FRC to assist the Gram Sabha in its functions to –

- i. receive, acknowledge and retain the claims in the specified form and evidence in support of such claims;
- ii. Prepare the record of claims and evidence including maps;
- iii. Prepare a list of claimants on forest rights;
- iv. Verify claims as provided in these rules;
- v. Present there findings on the nature and extent of the claim before the Gram Sabha for its consideration.

Rule 12 provides for process of verifying claims by the Forest Rights Committee which is as follows:

- 1) The Forest Rights Committee shall, after due intimation to the concerned claimant and the Forest Department.
  - a. Visit the site and physically verify the nature and extent of the claim and evidence on the site;
  - b. Receive any further evidence or record from the claimant and witnesses;
  - c. Ensure that the claim from pastoralists and nomadic tribes for determination of their rights, which may either be through individual members, the community or traditional community institutions, are verified at a time when such individuals, communities or their representatives are present;
  - d. Ensure that the claim from member of a primitive tribal group or pre-agricultural community for determination of their rights to habitat, which may either be through their community or traditional community institution, are verified when such communities or their representatives are present; and
  - e. Prepare a map delineating the area of each claim indicating recognizable landmarks.

- 2) The Forest Rights Committee shall then record its findings on the claim and present the same to the Gram Sabha for its consideration.

Further Rule 4(3) and 12(4) provide that the Gram Sabha and FRCs shall be **provided with necessary assistance by the government authorities.**

2. In order to assist the Forest Rights Committee and Gram Sabha in the verification process, especially for preparation of Maps as per the Rule 12(e) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rule, 2007 and early finalization of claims, department has communicated vide letter No. 38848 dt.06.11.2008 for engagement of retired R.I. / Amin for the stated purpose. However, the following deviations are observed in some areas during the execution of work by the R.I. Amin and Forester:

- It is found that field verification and mapping of claims are being done by the RIs / Amins / Foresters independently without involvement of the members of Forest Rights Committees and gram Sabha and the verified report and map is not placed before the Gram Sabha for their Resolution / Recommendation to SDLC and without recording of same by Gram Sabha.
- The findings of the field verification and maps are being directly sent by the RIs / Amins / foresters to the SDLC without sharing them with the Forest Rights Committees and without getting due approval from the Gram Sabha.
- It is also found that some of the RIs / Amins engaged for such duties are indulging into illegal demands including money from the claimants during the field verification.

3. It is conveyed that any such activities shall be considered to be infringement of the right and authority of the Gram Sabha and persons involved in such activities are liable to be guilty for penal action under Section 7 of the Act.

4. It is therefore requested to ensure that the reports and maps prepared by the RIs / Amins / foresters are duly shared in the Gram Sabha and Gram Sabha has approved it. Further, I would also like to draw your kind attention that SDLC does not entertain such papers / maps without a copy of the Gram Sabha notice, proceedings alongwith approval letter of the Gram Sabha. It is further requested to bring these instructions to the notice of all members of DLC / SDLC / FRC and field functionaries of DWO, DFO and Tahasildars.

Yours sincerely,

Sd/-

(Vinod Kumar)

To,

All Collectors / All RDCs (By name)

**Shri Vinod Kumar, IFS**  
Special Secretary to Govt.  
S.T.& S.C. Development Department



BY FAX/SPEED POST/E-mail

Ph. No. – 0674 – 2534871(O)

Fax – 0674 - 2396806

D.O. No. 13012 / Bhubaneswar  
Stat & D. Cell-28/09

Date 5.4.10

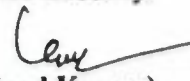
Dear

**Sub:- Adoption of “Micro Planning Approach” for processing of claims under the STs and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.**

I am directed to say that in the last Video Conference dt.22.03.2010 and 23.03.2010, it was found that most of the Districts were unable to give the datas relating to no. of villages fully covered so far, under the Forest Rights Act, 2006. It indicates that there is something wrong either with processing of claims or with sensitisation the programme. It is now required to cover all the villages of Scheduled area / Micro project areas, where tribal population is comparatively more through a Micro Planning Approach by processing all pending claims from village to village for early finalization of claims of your District in full. The Gram Sabha / FRC may be advised to fix a monthly date line from time to time for receiving all claims arising as per provision of FRA 2006 and Rules thereof for a time bound completion early in 2010.

I would therefore, request you to look into the matter personally and suitably instruct your field level officers i.e. D.F.Os., PA, ITDAs, Sub-Collectors, D.W.Os., Spl. Officers, Micro projects to proactively process all the pending claims covering all villages of your Districts through Micro-Planning approach, so that the implementation of the Act be completed in a time bound manner.

Yours sincerely,

  
(Vinod Kumar)  
25.4.10

To,  
All Collectors/All RDCs (By name)  
of Scheduled Area/Micro Project Area

8 PWP Govt Secretariat PO Apt. Secy, TD-8 (Stat) 28.09

BY FAX/E-Mail

**GOVERNMENT OF ORISSA  
ST & SC DEVELOPMENT DEPARTMENT**

\*\*\*

No 13013 / SSD Dated , Bhubaneswar the, 5.4.10  
TD-II-32/08

From,  
Sri Vinod Kumar, IFS  
Special Secretary to Govt.

To,  
All Collectors.

**Sub: Uploading of claim cases in the website under the STs and Other  
Traditional Forest Dwellers (Recognition of Forest Rights)  
Act,2006.**

**Sir,**

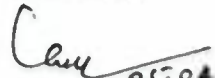
I am directed to say that it is required to upload all the claim cases received at FRC level. However, all information of a claim becomes available with the SDLC on recommendation of Gram Sabha. Efforts would have been made to upload the information at NIC terminals available at Sub-Divisions as per availability of free time of terminals. In spite of repeated instructions and permission to engage as many contractual Data-Entry Operator as required, still there is large number of claims pending for uploading in the web site (Statement enclosed). The reports show that even information of all recognized claims by DLC has not been uploaded.

You are therefore, once again requested to ensure uploading of balance claims pending at SDLC level @ 50 claims per day by a DEO at an early date by giving priority of uploading as suggested below:-

Recommended claims by SDLC to DLC followed by claims remanded / rejected by SDLC.

This may please be treated as MOST URGENT.

Yours faithfully,

  
Special Secretary to Govt.

**Shri Vinod Kumar, IFS**  
**Special Secretary to Govt.**  
**S.T. S.C. Development Department**

**Ph. No. 0674 – 2390780 (O)**  
**Fax - 0674 – 2393249**  
**D.O. No. - 13792 / Bhubaneswar**  
**Stat & D. Cell – 28/09**  
**Date: 17.04.2010**

Dear

**Sub.: Distribution of Certificate of Titles to Particularly Vulnerable Tribal Groups (PTG) in the Micro project Area under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.**

You are aware that the PTGs of your district are still holding the bottom line of all the developmental indicators when compared to their STs counter parts. Hence it is an opportunity to provide all the PTGs Household with land for their livelihood under the Forest Rights Act, 2006. Govt. have accorded top priority for covering all the PTG Household as soon as possible. But during the last review on video Conference held on 08.04.2010 and 09.04.2010, it was found that inspite of several instructions on communications and Video Conferencing, there remains considerable gap of coverage between the number of Households and number of claims received.

1. There are lack of proper awareness and inaction of squad set by you in facilitating by FRC in processing claims through Micro Planning Approach.
2. Number of Certificates of Titles distributed so far is less than the number of claims received by FRCs. Hence the Line Deptt. officers at SDLC and DLC level need to be sensitized for proactively processing of claims.
3. Some of the PTGs of your area might have been covered under Revenue Act and other Acts and now not eligible under FRA, 2006. Hence, information on such settled cases may also please be supplied to this Deptt. to access the total Household coverage in the Micro Project Area for their land based livelihood support on revenue land and on forest land.

I would therefore, request you to look into the matter personally and ensure the coverage of cent percentage of PTG Households by distributing Certificate of titles under the Forest Rights Act as well as balance under Revenue laws within a short period. Information for the PTGs Household covered under Revenue Law may please be intimated to this Deptt. separately for necessary compilation at this end.

Yours sincerely,

Sd/-

(Vinod Kumar)

To,

**All RDCs / Collectors (Micro Project Area)**

**(By name)**

**Shri Vinod Kumar, IFS  
Special Secretary to Govt.  
S.T. S.C. Development Department**

**Ph. No. 0674 – 2534871 (O)  
Fax - 0674 – 2396806  
D.O. No. - 16721/ Bhubaneswar  
Stat & D. Cell – 32/08  
Date: 01.05.10**

Dear

**Sub.: Implementation of the STs & Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.**

I am desired to say that Govt. in ST & SC Dev. Deptt. have been pleased to approve the following proposals for smooth administration of Forest Rights Act, 2006.

1. Payment of TA @Rs.30/- and DA @ Rs.30/- per day may be paid to each retired staff engaged on contractual basis during the processing of claims at FRC / Gram Sabha level out of the Article – 275 (1) funds placed with the PA, ITDA and PD, DRDA under Forest Rights act. If the regular serving staff i.e. W.E.Os, RIs / Amins / Foresters undertaking FRA works have not received their TA claims, they can be paid their TA claims from this fund on transmission of TE Bills by DDO concerned to the DWO of District.
2. The expenditure incurred for the purchase of register, printing of required forms may be met out of the funds available under article – 275 (1).
3. Hiring of private vehicle may be allowed to carry the squad of officials from village to village for micro-planning, for collection, for survey and demarcation, and for processing of claims in supporting decision making of FRC and Gram Sabha for resolution under Forest Rights Act, 2006.

I would therefore, request you to take immediate steps on the above points accordingly to expedite the implementation of the Forest Rights Act, 2006 under intimation to this Department.

Yours sincerely,

Sd/-

(Vinod Kumar)

To,

**All RDCs / Collectors (By name)**

Memo No 16742 dt. 01.05.10

Copy forwarded to PA, ITDAs / PD, DRDAs / DFOs / Sub-Collectors / DWOs for information and necessary action.

Sd/-

Special Secretary to Govt.

**GOVERNMENT OF ORISSA  
ST & SC DEVELOPMENT DEPARTMENT**

No. 23529 / SSD, Bhubaneswar Dated 31.5.10  
Stat & D. Cell-10/09

**RESOLUTION**

After careful consideration State Govt. have been pleased to decide that District Welfare Officer will also be a member of District Level Committee in Scheduled Area District where PA, ITDA is the member convener. This shall be remain inserted as item 39a) under Paragraph – 3 “District Level Committee as an amendment to the Resolution No.4694/SSD dt.08.02.2008 of Govt. of Orissa.

**ORDER:** Ordered that the Resolution be published in the next issue of Orissa Gazettee.

By order of Governor

Sd/-

Principal Secretary to Govt.

Memo No. 23530 / SSD, DT. 31.5.10

Copy forwarded to the Commissioner-cum-Secretary to Governor, Orissa / Principal Secretary to Chief Minister, Orissa / PS to All Ministers / PS to Chief Secretary, Orissa / PS to Development Commissioner / PS to Agriculture Production Commissioner / PS to Commissioner – cum – Secretary, Revenue & D M Department / PS to Principal Secretary, F & E Department / PS to Principal Chief Conservator of Forest, Bhubaneswar for information and necessary action.

Sd/-

Special Secretary to Govt.

Memo No. 23531 / SSD, DT. 31.5.10

Copy forwarded to the Director, Printing Stationery and Publications, Madhupatna, Cuttack with a request to get the above Resolution published in the Extra ordinary issue of the Orissa Gazettee and send copies of the same to the above mentioned authorities and also send 100 copies of the Resolution to this Department.

Sd/-

Special Secretary to Govt.

Memo No. 23532 / SSD, DT. 31.5.10

Copy forwarded to all Depts. of Govt. / All Heads of Depts. / All RDCs for information and necessary action.

Sd/-

**Special Secretary to Govt.**

Memo No. 23533 / SSD, DT. 31.5.10

Copy forwarded to all Collectors / all sub-Collectors / all DWOs for information and necessary action.

They are request to circulate the resolution among all members of the Sub-Divisional level and District Level Committee respectively.

Sd/-

**Special Secretary to Govt.**

Memo No. 23534 / SSD, DT. 31.5.10

Copy forwarded to PS to Principal Secretary / PS to Special Secretary / PS to Director (ST / SC) –cum-Addl. Secretary to Govt. / All Officers / All Sections of ST & SC Dev. Deptt. for information and necessary action.

Sd/-

**Special Secretary to Govt.**

Memo No. 23535 / SSD, DT. 31.5.10

Copy forwarded to Smt. Sarojini Hembram, Hon'ble MLA, Member TAC, Plot No. 187, Saheed Nagar, Bhubaneswar / Shri Debendra Kanhar, Hon'ble MLA, Member TAC, Qrs. No. F-3/1, Unit – IV, MLA Colony, Bhubaneswar / Shri Mukunda Sodi, Hon'ble MLA, Member TAC, Qrs. No. 7/4 (DS), Unit – IV, MLA Colony Bhubaneswar for information and necessary action.

Sd/-

**Special Secretary to Govt.**



**Sir/ Achok Kumar Tripathy, I.A.S.**  
Principal Secretary to Govt.  
S.T. & S.C. Development Department  
Government of Orissa



Tel: 2536672(O)  
2322757(O)  
Fax: 2393249, 2396806  
Email: [welsec@ori.nic.in](mailto:welsec@ori.nic.in)

D.O. No. 38206 / SSD  
TD-II - 32/08 (Pt)  
Dated 22<sup>nd</sup> September, 2010

Dear

**Sub: Awareness under the Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 – Number of Individual Claim petitions.**

You are kindly aware that Forest Rights Act, 2006 was notified by Government of India on 02.01.2007 and Rules thereon was notified on 01.01.2008.

2. In our State, Forest Rights Committees were constituted and individual claim petitions were received right from 2008. However, the distribution of certificates of titles could be done from 12.08.2009 after Hon'ble H.C vacated the interim stay order.

3. A number of instructions have been issued by State Government for sensitizing tribals and other traditional forest dwellers about the above Act / Rules. These were as follows:-

- a) Sensitization by District-level, Sub-divisional level and Block-level master trainers.
- b) Sensitization through reputed NGOs at District / Sub-division and Block level.
- c) Sensitization of all committee members of DLC, SDLC, Gram Sabha and FRCs including new officers joining at District / Sub Division level as members.

Page No. - 1

- d) Training of 5 tribal youth from each village in Scheduled area at G.P. headquarters level.
- e) Printing and distribution of individual claim forms taking into account total number of ST rural households of the district.
- f) Training of all Sarpanch, Ward Members and Women SHG President / Secretary in PTG area.
- g) Wall painting in each G.P. hqrs.
- h) Using tribal cultural troupes after training for spreading awareness about FRA
- i) Using OTELP funds for awareness generation in OTELP villages
- j) Micro planning approach with systematic coverage of all villages GP wise
- k) Squad Approach

4. It is found from our analysis of data regarding number of individual claims received in August, 2009 and August, 2010 in different districts (**Annexure-1**) that no new individual claims have been received in 9 nos. of districts after August, 2009 till date. This shows that either awareness in these districts has not been done properly or report regarding total number individual claims received at FRC level is not reported properly.

5. Similarly, percentage growth of new individual claims in many districts (Sl. No. 9 to Sl. No. 21) as seen from the table below from August, 2009 to August, 2010 is quite unsatisfactory ( less than 150 % )

6. Only in districts of Kandhamal, Keonjhar, Nayagarh and Bhadrak , the growth of receipt of individual claims at the level of FRCs has been remarkable.( above 200 % )

7. I would, therefore, request you to review the steps taken by you for spreading awareness about Forest Rights Act / Rules for recognition of Forest Rights of individuals as well as community of STs & Other Traditional Forest Dwellers and to ensure that adequate steps are taken for the same so that the number of individual claims received at FRC in your district is increased and then processed further in Gram Sabha, SDLC and DLC. Further awareness programme can be taken up during 2010-11.

8. You are kindly aware that in ITDA districts, upto 10% of Art.-275(1) funds can be spent for spreading awareness etc. about Forest Rights Act. For non-ITDA districts, funds have been allotted to districts and more funds can be given after submission of U.C for the previous funds.

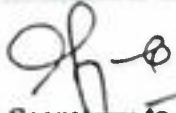
Yours Sincerely,

  
(Ashok K. Tripathy)

**All Collectors**

**Memo. No. 38207 Dated 18.09.2010**

Copy forwarded to Sri P.K. Mohapatra, IAS, Revenue Divisional Commissioner (RDC), Central Division (CD), Cuttack / Sri Chandra Sekhar Kumar, IAS, Revenue Divisional Commissioner (RDC), Southern Division (SD), Berhampur / Sri P.K. Mohapatra, IAS, I/C Revenue Divisional Commissioner (RDC), Northern Division (ND), Sambalpur for kind information and necessary action.

  
Principal Secretary to Govt.  
ST & SC Development Department

Page No. - 3

**Government of Orissa,  
Revenue & Disaster Management Department.**

**No. SM13209- 43974 / RDM, Dated, 29.10.2010**

From

Sri B.N. Das,  
Spl-Secretary to Government.

To

The Member, Board of Revenue,  
Orissa Cuttack  
All R.D.Cs / All Collectors  
Director, Land Records Surveys & Consolidation  
Orissa, Cuttack.

**Sub: Guidelines for correction of ROR and Maps for forest land in revenue villages for which title has been issued under the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 in Annexure – II appended to the Rules of 2007 made under the Act.**

Sir,

I am directed to say that Government have been pleased to issue a set of guidelines for correction of ROR and Maps to incorporate the rights recognized under the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 in terms of the Title Certificates issued in respect of forest land in revenue villages. A copy of the said guidelines is sent herewith for favour of your information and necessary action.

**Yours faithfully,**

Sd/-

**Spl. Secretary to Government**

Memo No. 43975 / RDM, Dated, 29.10.2010

Copy with a copy of the enclosure forwarded to Commissioner-cum-Secretary, S.C. & S.T. Development Department / Principal Secretary, Forest & Environment Department for kind information and necessary action.

Sd/-

**Spl. Secretary to Government**

**GUIDE LINES FOR CORRECTION OF R.O.R. AND MAPS FOR FOREST LAND IN REVENUE VILLAGES FOR WHICH TITLE HAS BEEN ISSUED UNDER THE SCHEDULED TRIBES AND OTHER TRADITIONAL FOREST DWELLERS (RECOGNITION OF FOREST RIGHTS) ACT, 2006 IN ANNEXURE – II APPENDED TO THE RULES OF 2007 MADE UNDER THE ACT.**

**Introduction:**

The Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 recognizes and vests forest rights including right to hold and live in the forest land under individual or common occupation for habitation or self-cultivation for livelihood by (i) the forest dwelling Scheduled Tribes as defined in section 2(c) and (ii) other traditional forest dwellers who has for at least three generation prior to the 13<sup>th</sup> day of December, 2005 primarily resided in and who depend on the forest or forest land for bonafide livelihood needs as provided under section 2(o). Among other forest rights, the provisions of section 3(g) and 3(h) of the Act read with section 4 thereof vest in such forest dwelling Scheduled Tribes and other traditional forest dwellers the right for conversion of leases or grants on forest land to titles and settlement and conversion of all Forest villages, old habitation, un-surveyed villages and other villages in forest whether recorded, notified or not into revenue villages. Such rights are heritable but not transferable under sub-section (4) of section 4 of the Act Sub-section (6) of the Act provides that the decision of the District Level Committee on the record of forest rights shall be final and binding. District Level Committees have been formed in each district under sub-section (5) of section 6 of the Act read with rule 7 of the S.T. and OTFD (RFR) Rules, 2007.

**Need for correction of R.O.R. and Map:**

Rule 8(f) of the aforesaid rules provides that the District Level Committee shall issue directions for incorporation of the forest rights in the relevant government records including record of rights. Rule 8(g) further provides that the Committee shall ensure publication of the record of forest rights as may be finalized.

**1. Manner of Correction of R.O.R. and Map:**

In the view of the above provisions of law, the Tahasildar who maintains the records of right shall on receipt of copies of title for forest land under individual tenure in Annexure – II issued under rule 8(h) of the ST & OTFD (RFR) Rules, 2007 and the sketch map of the said land from the District Level Committee in respect of revenue village, proceed to incorporate the contents of the title in the Record of rights of the Revenue village and correct the R.O.R. and Map accordingly. Wherever necessary, bata plots shall be carved out of original plots as is done during correction of records of rights to give effects to orders in mutation cases and such bata plots given bata numbers in the manner provided in paragraph 81 of the Orissa Mutation Manual.

**2. Joint records in the name of both Spouses:**

The record shall be prepared jointly in the name of both the spouses in case of married person and in the name of single head in the case of a household headed by a single person as required under sub-section (4) of section of the Act.

**3. Status of the land:**

In view of the peculiar status of land, new Khatians shall have to be prepared for such land covered under forest rights after the existing Government Khatas of the village and allotted new numbers following the last in serial of Government Khata. The status column of the R.O.R. in respect of such forest land under individual tenure shall record the status as "Forest right recognized under the ST & OTFD (RFR) Act, 2006" which in Oriya may read as 'ଅନୁସୂଚିତ ଜନଜାତି ଏବଂ ଅନ୍ୟାନ୍ୟ ପାରମ୍ପରିକ ବନବାସୀଙ୍କର (ଜଙ୍ଗଲ ଅଧିକାର ସାକ୍ଷତି) ଆଇନ, ୨୦୦୬ ମୁତାବକ ଦିଆଯାଇଥିବା ଅଧିକାର'

**4. Non –transferability of the land:**

The forest right conferred under the act is heritable but not alienable or transferable as mentioned earlier. The special incidence column of the R.O.R. should, therefore, contain the note that the right is heritable but not transferable or alienable which in Oriya may read as 'ଏହି ଜଙ୍ଗଲ ଅଧିକାର ପୁରୁଷାନୁକ୍ରମିକ ହେବ କିନ୍ତୁ ହସ୍ତାନ୍ତର କିମ୍ବା ସ୍ଥାନାନ୍ତରିତ ହୋଇପାରିବ ନାହିଁ ।'

**5. Kissam:**

Sub-section (7) of section 4 of the Act of 2006 provides that the forest rights shall be conferred free of all encumbrances and procedural requirements, including clearance under the Forest (Conservation) Act, 1980, requirement of paying the 'net present value' and compensatory afforestation' for diversion of forest land, except those specified in this Act. The jungle kissam of such forest land over which the forest right of individual occupants is recognized will remain unchanged.

**6. Supply of certified copy of R.O.R. to the claimant:**

Rule 8(h) of the Rules of 2007 provides that the District Level Committees is to ensure that a certified copy of the record of forest rights is provided to the concerned claimant. A certified copy of the records of right newly created shall, therefore, be provided to the occupants.

**7. Correction of records maintained by the R.I.:**

The records maintained by the Revenue inspector shall be similarly corrected for which intimation slip and sketch map may be sent to the Revenue inspector in duplicate of which one copy will be returned by the R.I. with an endorsement that he has retained one copy with him.

2.1 All the cases of subsisting encroachments where the State Governments stand committed to regularise on account of past commitments may be submitted to this Ministry for seeking prior approval under the Forest (Conservation) Act, 1980. Such proposals should invariably conform to the criteria given below:-

**L Pre-1980 ENCROACHMENTS WHERE THE STATE GOVERNMENT HAD TAKEN A DECISION BEFORE ENACTMENT OF THE FOREST (CONSERVATION) ACT, 1980, TO REGULATE 'ELIGIBLE' CATEGORY OF ENCROACHMENTS.**

1.1 Such cases are those where the State Governments had evolved certain eligibility criteria in accordance with local needs and conditions and had taken a decision to regularise such encroachments but could not implement their decision either wholly or partially before the enactment of the Forest (Conservation) Act on 25.10.80.

1.2 All such cases should be individually reviewed. For this purpose the State Govt. may appoint a joint team of the Revenue, Forest and Tribal Welfare Departments for this work and complete it as a time bound programme.

1.3 In cases where proposals are yet to be formulated, the final picture after taking into considerations all the stipulations specified here may be placed before the concerned Gaon Sabha with a view to avoid disputes in future.

1.4 All encroached lands proposed for regularisation should be properly surveyed.

1.5 Encroachments proposed to be regularised must have taken place before 25.10.80. This must be ascertained from the First Offence Report issued under the relevant Forest Act at that point of time.

1.6 Encroachments must subsist on the field and the encroached land must be under continuous possession of the encroachers.

1.7 The encroacher must be eligible to avail the benefits of regularisation as per the eligibility criteria already fixed by the State.

1.8 As far as possible scattered encroachments proposed to be regularised should be consolidated/ relocated near the outer boundaries of the forests.

1.9 The outer boundaries of the areas to be denotified for regularisation of encroachments should be demarcated on the ground with permanent boundary marks.

1.10 All the cases proposed to be regularised under this category should be covered in one proposal and it should give districtwise details.

1.11 All cases of proposed regularisation of encroachment should be accompanied by a proposal for compensatory afforestation as per existing guidelines.

1.12 No agricultural practices should be allowed on certain specified slopes.

**2. INELIGIBLE CATEGORY OF PRE-1980 ENCROACHMENTS WHERE THE STATE GOVERNMENTS HAD TAKEN A DECISION PRIOR TO THE ENACTMENT OF THE FOREST (CONSERVATION) ACT, 1980.**

2.1 Such cases should be treated at par with post 1980 encroachments and should not be regularised.

**3. ENCROACHMENTS THAT TOOK PLACE AFTER 24.10.80.**

3.1 In no case encroachments which have taken place after 24.10.1980 should be regularised. Immediate action should be taken to evict the encroachers. The State/UTs Government may, however, provide alternate economic base to such persons by associating them collectively in afforestation activities in the manner suggested in this Ministry's letter No. 6-21/69-FI dated 1.6.90, but such benefits should not extend to fresh encroachers.

This Ministry may kindly be apprised of the action taken/ proposed to be taken in this regard.

**11.4. FP (4) Elimination of intermediaries and payment of fair wages to the labourers on forestry works**

Forestry works are one of the important sources of livelihood to the tribals and other rural poor living in and around forests. On a number of occasions in the past, especially in the deliberations of the Central Board of Forestry, the need to eliminate contractors and other intermediaries in forestry operations has been emphasised with a view to ensure fair wages to the labourers. The National Forest Policy, 1988 has again reiterated that contractors should be replaced by institutions such as tribal cooperatives, labour cooperatives Government cooperatives etc as early as possible. A number of States/UTs have taken steps to execute these works through Government agencies viz. State Forest Departments, Forest Corporations. Nevertheless, at operational level certain aberrations still persist resulting in under payment of wages to the labourers. In order to protect tribals and other rural poor from and fair wages to them, the following guidelines may kindly be complied with

- a. no outside labour should be engaged in forestry operations where local tribal labour is adequately available;
- b. no contract should be entered into for imported labour;
- c. tribal cooperatives should be involved wherever labour is in short supply.



**GOVERNMENT OF ORISSA  
ST & SC DEVELOPMENT DEPARTMENT**

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23310 / SSD, Bhubaneswar, dt. 29/06/2011.  
TD-II (FRA/06/2011)

From,

Sri S.K. Chadha,  
Director (ST/SC)-Cum-Addl. Secretary to Govt.

To

All RDCs  
All Collectors

Sub: Review of implementation of the Scheduled Tribes & Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 & Rules, 2007 held of 09.06.2011 at 4P.M. through Video Conference.

Sir / Madam,

During the review meeting on implementation of the Scheduled Tribes & Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 & Rules, 2007 taken by the Chief Secretary, Orissa on 09.06.2011 through Video Conference the following action points emerged for necessary action.

1. A number of claim applications received under Scheduled Tribes & Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 related to revenue non-forest land are often rejected by the committee constituted under the Forest Rights Act. The policy of the Govt. is to provide homestead land to all home stead less persons, agriculture land to land loss persons and the provisions of the Orissa Govt. land Settlement Act (OGLS) and the Orissa Prevention of Land Encroachment Act (OPLE) for settlement of Govt. land in favour of eligible persons should be invoked in all deserving cases.
2. All WEOs, working in the Blocks should draw up specific plans to cover all the Forest Rights beneficiaries under convergence of different Govt. Schemes like IAY, MO, Kudis, Land development under MGNREGS, National Horticulture, National Bamboo Mission, Bore-well scheme, Bamboo Plantation etc, Plantation Programme should preferably be implemented in compact patches by clustering a number of beneficiaries.

3. All pending claims should be disposed off latest by 31<sup>st</sup> July, 2011. Date line should be strictly adhered to.
4. It is seen that the Forest Rights Committees are not constituted in all villages in the districts i.e. Cuttack, Jajpur, Khurda, Mayurbhanj, Nayagarh, Bargarh, Deogarh, Dhenkanal, Jharsuguda, Samablpur, Boudh, Gajapati. Immediate steps may be taken to constitute FRCs in all villages of the said districts by the end of June, 2011 and report compliance.
5. Districts like Subarnapur are providing contradictory figures and at the later stage they have reduced the number of claims received. The information should be verified before communicating the same to Government.

This is for favour of your information and necessary action.

Yours faithfully

Director (ST/SC)-Cum  
-Addl. Secretary to Govt.

Memo No. \_\_\_\_\_/SSD dt. \_\_\_\_\_

Copy forwarded to all PA, ITDAs/ all DWOs for information and necessary action.

Director (ST/SC)-Cum  
-Addl. Secretary to Govt.

**B.K. Patnaik**  
Chief Secretary, Orissa

Ph. (+91 674) – 253 4300 / 6700  
Fax -(+91 674 ) – 253 6660  
Email: csori@nic.in.

No. TD-II-(FRA)-06/11(Pt.) 27687 /CS(SSD)  
Bhubaneswar, dated the 16<sup>th</sup> August, 2011

To

All Revenue Divisional Commissioners /  
All Collectors

**Sub.: Cent percent coverage of Forest Rights Act beneficiaries under different Government Schemes.**

Re.: P.R. Department letter No. 38708 dt. 05.12.09

Madam / Sir,

Inviting a reference to the subject cited above, I am directed to say that the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 is being implemented since 01.01.2008. Till date, 279901 nos. of Individual beneficiaries have been distributed with individual titles in recognition of their rights under the Act. Out of the same only 58724 nos. of Right Holders have been covered under different Government Schemes. Except few districts like Kandhamal and Gajapati where pro-active initiatives have been taken, the performance of other districts is not encouraging. In the last review meeting held on 22.07.2011 the Hon'ble Chief Minister has desired that expeditious steps may be taken for covering FRA beneficiaries under a large number of Government Schemes. In view of the above, you are requested to take up the following on priority:

1. Draw up an action plan through the WEO, other Extension Officers and Executive Officers of Gram Panchayats to plan and cover all the individual title holders under different kinds of developmental schemes. The action plan should aim at covering the beneficiaries in a time bound manner.
2. Constitute District Level Committees consisting of senior officers to inspect and verify the development works being planned and executed.
3. Maintain a proper database of the beneficiaries covered and the programme under which they have been covered.

Specific plans should be drawn up to cover cent percent beneficiaries in convergence with different Govt. Schemes like IAY, Mo Kudia, Mo Pokhari, Land Development under MGNREGS, National Horticulture Mission, National Bamboo Mission, etc. Plantation and Bore well programme should preferably be implemented in compact patches by clustering a number of beneficiaries including some beneficiaries who may not be individual title holders under FRA, but whose land is adjacent. Special steps should be taken to cover all the PTG beneficiaries under Land development programme.

You are requested to accord top priority to the above and initiate necessary activity in this regard.

Yours faithfully  
Sd/  
Chief Secretary,

**GOVERNMENT OF ORISSA**

**B.K. Patnaik**  
Chief Secretary, Orissa

Ph. (+91 674) – 253 4300 / 6700  
Fax -(+91 674 ) – 253 6660  
Email: csori@nic.in.

No. TD-II-(FRA)-6/11(Pt.) 32660 /CS(SSD)  
Bhubaneswar, dated the 20<sup>th</sup> Oct, 2011

To

All Collectors.

**Sub.: Inclusion of sketch-map in the individual title under the STs & Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 and Rules, 2007.**

Madam / Sir,

I am to say that, in the last Tribes Advisory Council meeting held under the Chairmanship of Hon'ble Chief Minister some of the members expressed their concern regarding non-availability of sketch-map while issuing title under the STs & Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 & Rules, 2007.

Sketch map is an essential document to indicate the boundaries, area and location of the parcel of land for which title under the Forest Rights Act has been issued.

In respect of titles granted for surveyed revenue forest land, sketch map should contain plot number and reference to adjoining plot numbers. In other cases, the sketch map may contain reference to co-ordinate and / or the recognizable land marks for proper and unambiguous identification of the land.

You are directed to ensure that the individual right holders are to be provided with map delineating the boundaries, area and location of the land invariably in all the cases.

This may please be scrupulously followed.

**Yours faithfully,**  
Sd/-  
Chief Secretary,  
Orissa.

**Memo No. 32661 /SSD, dated, 20.10.2011**

Copy to all Revenue Divisional Commissioners for information and necessary action.

Sd/-  
Chief Secretary, Orissa.

**GOVERNMENT OF ORISSA  
ST & SC DEVELOPMENT DEPARTMENT**

No. 35570 / SSD, Bhubaneswar  
TD-II(FRA)-06/2011

Dated 22.11.2011.

From

Shri S.K. Popli, IFS  
Director (ST / SC)-cum-  
Addl. Secretary to Govt.

To

The PA, ITDA,  
Keonjhar.

**Sub.: Clarification regarding approval of certificate of title, to "Pathar Bani Pahada" & "Parbat Kisam" of land under Scheduled Tribes & Other Traditional Forest dwellers (Recognition of Forest Rights) Act, 2006.**

**Ref.: Your Letter No. 1073 dt. 07.07.2011.**

Sir,

I am directed to say that the definition of "forest land" has been clearly mentioned at 2(d) which reads as follows:-

"Forest land" means land of any description falling within any forest area and includes unclassified forests, undemarcated forests, existing or deemed forests, protected forests, reserved forests, Sanctuaries and National Parks.

Except the above described Kisam of land, other Kisam land are non-forest land and hence shall not be permissible for settlement under Scheduled Tribes & Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.

Yours faithfully,

Sd/-

Director (ST/C)-cum-  
Addl. Secretary to Govt.

**Pradeep Jena, I.A.S.,**  
Commissioner-cum-Secy. to Govt.  
Panchayati Raj Department

Ph. 0674 - 2536680 (O)  
0674 - 2391465(R)

Fax: 0674 - 2391413

Email: [prsec.or@nic.in](mailto:prsec.or@nic.in).

Web: <http://orissa.gov.in>

**BHUBANESWAR, Dtd.01.12.2011**

D.O. No. 22839 /PR

**VI-NREGS-30/09 (Pt.)**

**To**

The Principal Secretary to Govt.,  
Agriculture Department / Water Resources Department /  
Commissioner-cum-Secretaries to Govt.,  
Forest & Env. Department /  
Fisheries & ARD Department/  
ST & SC Dev. Department.

Sir,

As you are aware, MGNREGS (Mahatma Gandhi National Rural Employment Guarantee Scheme) projects are not only being executed by the Panchayati Raj Institutions but are also taken by the field agencies of your Department. Special emphasis has been given by the Government to take up large number of farm ponds, check-dams, multipurpose farm ponds, land development of FRA beneficiaries and a host of other labour intensive works permissible under the scheme. While the agencies implementing the scheme are expected to follow the guidelines of MGNREGA for all such works, the projects taken up should also be subject to social audit by the respective Panchayati Raj Institutions. The details of works, case records, quality checks conducted and the action taken on all such issues may also be shared with the DRDAs / Collectors concerned by the field officials of your Department. All assistance and co-operation should be provided during the process of Social Audit and the required documents are to be produced during the process as mandated in the law.

This may kindly be communicated to the field officials 'all Directorates under your control.

Yours faithfully,

Sd/-

**Commissioner-cum-Secy. to Govt.**

**Memo No. 22833 /PR Dated 1<sup>st</sup> December, 2011**

Copy to all Collectors / P.D., DRDAs for information and necessary action.

Sd/-

**Commissioner-cum-Secy. to Govt**

Copy to NREGS Guard file.

**GOVERNMENT OF ORISSA  
ST & SC DEVELOPMENT DEPARTMENT**

No. 39998 / SSD, Bhubaneswar  
TD-II(FRA)-6/2011

Dated 31.12.2011,

From

Shri S.K. Popli, IFS  
Director (ST / SC)-cum-  
Addl. Secretary to Govt.

To

The DWO, Nuapada.

**Sub.: Clarification between "Gramya Jungle Jogya" for confirmation of title under the ST and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.**

Ref.: Your letter No. 1720 dt.04.11.11

Sir,

I am directed to say that the definition of "forest land" has been clearly mentioned at 2(d) which reads as follows:-

"Forest land" means land of any description falling within any forest area and includes unclassified forests, un-demarcated forests, existing or deemed forests, Protected forests, Reserved forests, Sanctuaries and National parks.

Except the above described Kisam of land, other Kisam land are non-forest land and hence shall not be permissible for settlement under Scheduled Tribes & Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.

If a gramya jungle has not actually come up in a "Gramya Jungle Jogya" land, then the said patch cannot be considered for settlement under Forest Rights Act, 2006.

Yours faithfully,

Sd/-

Director (ST/SC)-cum-  
Addl. Secretary to Govt.

**GOVERNMENT OF ORISSA  
ST & SC DEVELOPMENT DEPARTMENT**

No. 202 / SSD, Bhubaneswar Dated 04.01.2012  
TD-II(FRA)-06/2011

From

Shri S.K. Popli, IFS  
Director (ST / SC)-cum-  
Addl. Secretary to Govt.

To

All Collectors

**Sub: Implementation of the STs and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.**

Sir,

I am directed to say that complaints have been received from different quarters that the sketch map of the forest lands are not being provided along with the titles to the beneficiaries under Forest Rights Act, 2006. This is required to be ensured as even reiterated in letter no. 32660 dt.20.10.2011 of the Chief Secretary, Odisha.

You are therefore, once again requested to look into the matter personally and instruct the concerned field functionaries for compliance of the instructions..

Yours faithfully,

Sd/-

**Director (ST/SC)-cum-  
Addl. Secretary to Govt.**



**GOVERNMENT OF ORISSA  
ST & SC DEVELOPMENT DEPARTMENT**

No. 9182 / SSD, Bhubaneswar  
TD-II(FRA)-06/2011 (P)

Dated 28.02.2012

From

Smt. P. Mekro, IFS  
Addl. Secretary to Govt.

To,

The Collector,  
Jajpur

**Sub.: Clarification on convening District Level Committee Meeting under the STs and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.**

Ref: Your L. No. 172 dt. 13.02.2012

Sir,

I am directed to inform you on the clarification sought by your office as to whether District Level Committee Meeting can be convened without quorum for issuance of certificate in favour of OMC.

**Clarification**

There will be no relaxation of quorum, as far as 1/3 (one third) quorum to be maintained by DLC while convening its meeting, for final decision of diversion of forest land subject to less than one hectare in each case. (as referred in subsection (2) of Section 3 of the Act, 2006).

The Forest Rights Act does not deal with the issue relating to diversion of Forest land proposal for non-forestry use for issuing certificate to any other than claims of individual / community.

Yours faithfully,

Sd/-

**Addl. Secretary to Govt.**

**GOVERNMENT OF ORISSA  
ST & SC DEVELOPMENT DEPARTMENT**

No. 10070 / SSD, Bhubaneswar  
TD-II(FRA)-06/2011

Dated 12.03.2012

From

Smt. P. Mekro, IFS  
Addl. Secretary to Govt.

To,

The Collector,  
Kalahandi

**Sub.: Clarification sought for Pahad and Dangar Kissam of land for settlement of claims under Forest Rights Act, 2006**

**Ref: Your L. No. – 414 dt. 06.03.2012**

Sir,

I am directed to invite a reference to your DO letter cited above and to say that Pahad & Dangar Kissam lands is not synonymous, with Forest Kissam Lands.

Sec 2(d) of the Forest Rights Act defines

“Forest Land means land of any description falling within any forest area and includes unclassified forests, un-demarcated forests, existing or deemed forests, protected forests, reserved forests, sanctuaries and national parks.”

All forest land of Forest Department and forest land under Revenue & Disaster management and lands having existing forest cover like Pahad and Dongar Kissam, which finds place in the DLC report as filed in WP(C ) No. 202/1995-TN Godavarman Thirumulkpad-vrs.-Union of India and Others during 1997, then claims can be entertained under the provisions of this Forest Rights Act as clarified in the Revenue Deptt. letter no. GE (GL)-S-23/09 (pt.1) 5309 dt.11.02.2011.

If the claims are beyond this scope, you are advised to dispose of the case under other available provisions like OPLE Act or OGLS Act as applicable.

Yours faithfully,

Sd/-

**Addl. Secretary to Govt.**

**GOVERNMENT OF ORISSA**  
**ST & SC DEVELOPMENT DEPARTMENT**

No. 14195 / SSD, Bhubaneswar  
TD-II (FRA)-06/2011

Dated 02.05.12

From

Shri S.K. Popli, IFS  
Director (ST / SC) & Ex. Officio  
Addl. Secretary to Govt.

To

The Collector,  
Mayurbhanj / Angul / Keonjhar / Sundergarh / Gajapati / Ganjam / Rayagada /  
Malkangiri / Kalahandi / Kandhamal / Deogarh / Nuapara

**Sub.: Cent percent coverage of Particularly Vulnerable Tribal Groups (PTG)  
Households in the Micro Project Area under implementation of the STs and  
Other Traditional Forest Dwellers (recognition of Forest Rights) Act, 2006.**

Madam / Sir,

I am directed to enclose the up-to-date status on implementation of the STs and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 on the achievement in case of Particularly Vulnerable Tribal Groups (PTG) as on 30.04.2012. As per the decision, cent percent coverage of these beneficiaries under different Govt. schemes through convergence is to be ensured on priority.

You are therefore requested to expedite the process of such coverage and report the progress to this Deptt. regularly.

Yours faithfully,

Sd/-

**Director (ST/SC) & Ex. Officio**  
**Addl. Secretary to Govt.**

**Memo No. 14196 /SSD Dt. 2.5.12 .**

Copy with copy of the enclosures forwarded to the concerned PA.ITDAs / DWOs (Nodal Officer, Forest Rights act)/ all Spl. Officers, Micro Projects for information and necessary action. They are requested to furnish the action taken in the matter to this Deptt. at an early date.

Sd/-

**Director (ST/SC) & Ex. Officio**  
**Addl. Secretary to Govt.**

GOVERNMENT OF ODISHA  
ST & SC DEVELOPMENT DEPARTMENT

Most Urgent  
By Fax/E-Mail

\*\*\*\*\*

Letter No 20925 Dated 25-06-2012  
TD II (FRA) 06/2011

From,  
Shri S.K. Popli, IFS,  
Director (ST/SC) & Ex-Officio  
Addl. Secretary to Govt.  
To,  
The Collector,  
Rayagada

Sub: Uniformity on issuance of certificate of titles to the individual title holders under the STs & Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.

Sir,  
I am directed to say that it has been brought to the notice of this Deptt. that the DLC, Rayagada has issued certificate of titles to the individual title holders under Forest Rights Act, 2006, in different/ variety of formats (copies enclosed). It may be stated here that Forest Rights Rules, 2007 has prescribed a standard format at its Annexure-II for such purpose.

It is therefore, requested to please look into the matter, take appropriate action for issuance of certificate of titles as per the prescribed format and report compliance to this Deptt. at an early date.

Yours faithfully

By Fax/E-Mail

Director (ST/SC) & Ex-Officio  
Addl. Secretary to Govt.

Memo No. 20926 /SSD Dt. 25/06/2012  
Copy forwarded to all Collectors (except Rayagada) for information and necessary similar action.

Director (ST/SC) & Ex-Officio  
Addl. Secretary to Govt.

Memo No. 20927 /SSD Dt. 25/06/2012  
Copy forwarded all PA.ITDAs/ DWOs for information and necessary action.

Director (ST/SC) & Ex-Officio  
Addl. Secretary to Govt.

F:\ODISHA\FOREST RIGHTS ACT\FRA\TD-II\FRA-06-2011

**IV. LETTERS/MEMOS FROM  
CORPORATE BODIES &  
DIFFERENT GOVERNMENT  
AGENCIES & NGO**

**Government of Orissa**  
**PANCHAYATI RAJ DEPARTMENT**

Orissa Secretariat Sachibalaya Marg,  
Bhubaneswar-751001  
Tel. No. 0674-2536680/2322875  
Fax. 0674-2391413, E-mail- [prsec.or@nic.in](mailto:prsec.or@nic.in)

**No. 17-PADM-19-1033-15718**

**Date- 10/09/12**

**Gram Sabha Sashaktikaran  
Karyakram (GSSK) URGENT**

**From**

**Aparajita Sarangi, IAS  
Commissioner-cum-Secretary  
Panchayati Raj Department**

**Santosh Kumar Sarangi, IAS  
Commissioner -cum- Secretary  
ST & SC Dev, Department.**

**To**

**All Collectors**

This is to inform you regarding leveraging the "Gram Sabha Sashaktikaran Karyakram" to ensure greater benefits to the SC and ST beneficiaries at the village level. In the meeting chaired by the Chief Secretary it has been decided to take up the following activities:

1. During the Palli Sabha, planning should be made to cover all FRA individual title holders under different developmental schemes like IAY, MO Kudia, NREGA etc. Activities like Land development, farm pond, plantation, etc. Should be made to ensure maximum productive utilization of the land settled with the Forest Rights title holder.
2. Pending claims, if any, from the beneficiaries should be obtained by the Forest Rights Committees (FRC) and the list of such claims received by the FRC should be consolidated for future monitoring and disposal.
3. In the seven Districts where OTELP Plus is under implementation, the interventions relating to Land and Natural resource management should be kept in the perspective plan of NREGA.

While doing the planning for Palli Sabha and Gram Sabha the DWO and WEOs may be asked to facilitate the availability of the list of individual Forest Rights title holder to the respective Palli Sabhas.

The P.A., ITDAs, DWOs and WEOs should be involved in facilitating the entire process.

Yours faithfully,

Sd/-

(Santosh Kumar Sarangi)  
Commissioner-cum-Secretary  
ST & SC Dev. Department.

Yours faithfully,

Sd/-

(Aparajita Sarangi)  
Commissioner -cum- Secretary  
Panchayati Raj Department.

**ORISSA TRIBAL EMPOWERMENT & LIVELIHOODS PROGRAMME  
(ST & SC DEVELOPMENT DEPARTMENT)**

No.602 dt. 27.5.08

To

The Project Administrator  
ITDAs, Balliguda/Parlakhemundi /Koraput /Th-Rampur

**Sub: Information on Land related matters.**

Sir,

As you are aware, settlement of lands in favour of landless and consequential reduction in the number of landless households in the programme villages has been kept as one of the trigger indicators for Phase-III of the programme. You may also recall the strong observation of the Review Mission members on the slow progress by OTELP in regards to addressing the above issue. Although efforts are being made in this direction through your liaison with Revenue officials, much remains to be done in coming months. You are requested to make concerted efforts to ensure provision of land to the landless in a time bound manner so as to make a significant progress before the next Joint Review Mission expected in November, 2008. You are requested to monitor the progress regularly and furnish the information on the same by 10<sup>th</sup> of every month unfailingly. The consolidated report will be sent to the Government and other quarters. The information should be sent in the enclosed format.

The list of homesteadless and landless persons as prepared during the baseline survey needs to be reconciled with the Tahsil records and updated. The MIS Executive shall e. mail the above information on 10<sup>th</sup> of every month to the Revenue & Administrative Officer, PSU, OTELP, Bhubaneswar under the following e-mail address.

e.mail – dash\_gopabandhu@rediffmail.com / support @ otelp.org.

Please take note that the Tahasildars, under whose jurisdiction, cent percent result will be achieved within July, 2008 will be felicitated by PSU, OTELP, Bhubaneswar. The concerned P.O. (PM&E) who is in charged of Land Settlement at ITDA will be rewarded suitably on attaining cent percent result in his programme area.

This may please be treated as most urgent.

Yours faithfully,

Sd/-

Programme Director, OTELP,  
& Ex-Officio Addl. Secy. to Govt.  
ST & SC Development Deptt.Govt. of Orissa

**INTEGRATED TRIBAL DEVELOPMENT AGENCY, MALKANGIRI**

No. 1448/VII-20/08

Date: 06.06.2008

To,

The Director (ST/SC) cum-Addl. Secy. to Govt.  
ST & SC Development Department,  
Orissa, Bhubaneswar

**Sub: Implementation of the scheduled tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006 and Rules 2007.**

Ref: Yours L. No. 22350/SSD dated. 27.05.08

Sir,

With reference to your letter cited above I am to say that the training – cum - awareness workshops on Forest Right Act, 2006 and Rules, 2007 were organized in all 7 Blocks of this District from 24.05.2008 to 02.06.2008. All the newly elected Presidents and Secretaries of the Forest Right Committee from all Revenue villages, their ward members, Sarpanchas, Concerned P.E.Os, and W.E.Os were present at the workshop. Resource persons were called from various line departments of this district such as Sub-Collector, D.F.O, Forest Range Officers, Tahasildar, Special Officer of this ITDA, R.I., Foresters, & Some local N.G.Os. I have also attended Trainings / Workshops. During the awareness workshop it was noticed that there are some technical difficulties for implementation of the act smoothly. Some of the difficulties were raised by the Forest Right Committee Presidents and Secretaries that they do not have contingency/ fund to purchase Registers, files, papers etc. They also claimed that there is provision to supply the Forest Right claim forms 'A and 'B' free of cost. For this purpose & to meet the requirement urgently, my office has printed and supplied about 500 Forms to all the Blocks. In this regard it is requested that some amount in the shape of contingency fund may be sanctioned to the Forest Right Committee / Sub-Divisional Level Committee to avoid the hardships for procurement of the stationeries.

It was also discussed in the training camp that the sketch map of the claimed land is very much essential along with the application form. In case of revenue forests, it would be demarcated and sketch map be prepared by concerned R.I./Amin. But in case of reserved forest, the forest department would provide the sketch map. But as it was learnt from the D.F.O. and Forest Range Officers that they do not have the survey map of their reserved forests. This point was taken up and discussed in the Zilla Parishad Meeting where the Dist. Collector advised to purchase G.P.S (Global Positioning System) sets for preparation of sketch maps of the claimed land in the reserve forest. The Collector has ordered me to purchase some of the G.P.S. sets to meet the requirement.

In the last review meeting of Collectors held at the RDC office, Berhampur, it has been decided to purchase such G.P.S sets from OTELP funds where it is functioning such as Koraput, Kalahandi, Gajapati & Kandhamal Districts. As we do not have any such funds, it may kindly be decided to provide funds for purchase of such GPS sets so that demarcation etc. can be done in the reserved forest area smoothly. In this context, it is requested that necessary funds may kindly be sanctioned to purchase these GPS sets urgently. The number of competent R.Is & Amins



having settlement experience is insufficient in the offices of the local Tahasildars. Therefore it is further requested that the RIs and Amins may kindly be deputed from survey / settlement establishment to expedite the work.

As per the Forest Right Act 2006, the Forest Right claims of the scheduled tribes and other traditional forest dwellers should be settled within three months from the date of convention of the Palli Sabha and constitution of Forest Right Committee. Out of three months, two months have already been lapsed since the constitution of village level Forest Right Committee. All the Forest dwellers including S.Ts have been trained in the awareness/training camps conducted by this ITDA on several occasions. The claimants have been asked to submit the Forest Right claim forms by 15<sup>th</sup> June. The preparation of sketch map of the claimed land would take a long time. Hence it is requested that the time for settlement of the forest right may kindly be extended till another six months. Therefore, the above mentioned bottlenecks would have to be removed for proper, smooth and timely implementation of the Act and Rules.

Yours faithfully,  
Sd/-  
Project Administrator  
ITDA, Malkangiri.

**ORISSA TRIBAL EMPOWERMENT & LIVELIHOODS PROGRAMME  
(ST & SC DEVELOPMENT DEPARTMENT)**

No.653 dt. 9.6.08

To

The Project Administrator  
ITDAs, Balliguda/Parlakhemundi /Koraput /Th.Rampur

**Sub: Action on Land related matters.**

Sir,

1. In continuation of this offices letter No.602 dtd.27.5.2008, I am to enclose herewith a copy of the letter No.24571 dtd. 5.6.2008 of Revenue and Disaster Management Department addressed to concerned District Collectors for your ready reference and immediate follow up as mentioned below.
2. You are requested to translate the aforesaid letter into Oriya & other tribal language, if possible, and circulate the same among the VDCs/VLSCs, Grampanchayat, FNGOs of concerned villages for elaborate discussion and necessary follow up.
3. FNGOs may be requested to create awareness and take up training pogrammes and coordinate with Tahasildar / Sub-Divisional Forest Right Committee for expeditious disposal of application received from landless persons of concerned villages. Besides they will have to give a certificate that there is no landless person in their OTELP operational villages by September, 2008.
4. P.A., ITDA and PO(PME) will be the responsibility centres for taking up action under Land/Forest Land Right Settlement. The Community mobiliser, WDT members and two volunteers of each VDC, whose names and mobile no. be given to PSU, will be assigned the following task.
  - i) Community Mobilizers/WDT (Social)/ Volunteers have to take printed application forms and get them filled up by the landless families under OGLS Rule/ OPLE Act and submit the signed applications to Tahasildar by 30.06.2008.
  - ii) Printed forms in prescribed format for Forest Right Act have to be filled up by the villagers by 30.6.2008 in a campaign mode and be submitted to Sub-Divisional Forest Rights Committee by 30.06.2008 in respect of all programme villages, if not done till date, following due procedure.
5. Hand held GPs instruments (2 nos.) for each ITDA may be procured following due procedures from out of OTELP fund ear-marked for procurement of survey materials under Land & Water Management and handed over to the concerned Sub Collector and Sub-Divisional Magistrate under intimation to Collector-cum-Chairman District Level Programme Management Committee. The Sub-Collector shall receive the same from ITDA and utilize it in conducting survey in OTELP villages.
6. You may organize exposure visit of the concerned survey staff inside or outside the state for familiarizing the operation of Hand held GPs instruments. In this regard the P.A., ITDA, Parlakhemundi may provide details of the exposure visit to Srikakulam district already organized by the District Collector, Gajapati.

7. In 2<sup>nd</sup> week of July, 2008 there will be a joint review of the progress of land settlement under OPLE Act/ OGLS Rules /Forest Right Acts by Commissioner-cum- Secretary, ST & SC Development Department & Chairperson, OTELP and Commissioner-cum- Secretary, R& DM Department, Govt. of Orissa at Koraput. Immediate step may please be taken to settle the cases of at least 50% landless persons of targeted families by that time.
8. Monthly Report in the prescribed format enclosed herewith should be submitted by 10<sup>th</sup> of each succeeding month enabling this office to compile the same and submit with the Commissioner-cum-Secretary, ST & SC Development Department by 15<sup>th</sup> of every month. Deadline shall strictly be followed
9. Revenue & Administrative Officer, PSU, OTELP will visit each district to review the progress of aforesaid work once in every month. Nodal officers of PSU will also review the same during their field visit to respective districts.
10. You must have already reconciled the list of landless persons provided by PSU to you with the concerned Tahasildar by now. So you are in a position to finalize the village wise list and monitor the progress individually every week at your level and pursue with revenue authority to expedite the settlement process.
11. You and P.O.(PME) shall attend the monthly District Revenue Review Meetings of Collector and sort out issues if any, there.
12. You are also to report the number of training imparted to the FRC at the Panchayat level, Sub-Divisional Committees and District Level Committees.

This may please be treated as most urgent.\

Yours truly,  
Sd/-  
Programme Director, OTELP  
& Ex-Officio Addl. Secy to Govt.  
ST&SC Development Department.  
Orissa, Bhubaneswar.

**ORISSA TRIBAL EMPOWERMENT & LIVELIHOODS PROGRAMME  
(ST & SC DEVELOPMENT DEPARTMENT)**

**No.658 Date: 9.6.08**

To

The Project Administrator  
ITDA, Koraput, Parlakhemundi, Balliguda/Th.Rampur

**Sub: Minutes of 9<sup>th</sup> Meeting of State Level Programme Management Committee (SLPMC)  
under OTELP.**

Sir,

Enclosed please find herewith the copy of the minutes of 9<sup>th</sup> meeting of SLPMC held on 6<sup>th</sup> June, 2008 under the Chairmanship of the Commissioner-cum-Secretary, STSCDD and Chairperson, OTELP for information and necessary follow up action. A compliance report on the action taken at your level may please be furnished to PSU, OTELP immediately.

It is further requested that the copy of the aforesaid minutes may be circulated among the FNGOs under your jurisdiction for needful action at their end.

Yours faithfully,

Sd/-

Programme Director, OTELP,  
& Ex-Officio Addl. Secy. to Govt.  
ST & SC Development Deptt. Govt. of Orissa

**ORISSA TRIBAL EMPOWERMENT & LIVELIHOODS PROGRAMME  
(ST & SC DEVELOPMENT DEPARTMENT)**

No. 670 / 123/06

Date. 12.06.08

To

**LAND URGENT**

The Sub-Collector,  
Paralakhemundi, Gajapati

**Sub: Settlement of Govt. Land including unsurveyed land with eligible landless tribal families and conferring forest rights as per the Scheduled Tribes and Other Traditional Forest Dwellers Act 2006 & Rules 2007.**

Sir,

Kindly recall our discussion dated 11.06.08 on the above noted subject. It was a happy coincidence that you were in the district Revenue meeting presided over by ADM and I had the opportunity to brief the ADM on the importance of settling land to landless tribal families under OGLS / OPLE Acts pending survey in the slopes beyond 10<sup>0</sup> in the OTELP villages of your respective district. PO (PM&E), OTELP was also present in the said meeting and I am told that he has facilitated the supply of the list of landless person village wise to Tahasildars.

2. The copies of the proceeding of the SLPMC meeting held on 06.06.2008, Letter No. 24571 dated 5.6.2008 addressed to Collectors Kalahandi, Kandhamal, Koraput and Gajapati by Joint Secretary to Govt. Revenue & DM Department, Letter No.653 dtd. 09.06.08 addressed to PA., ITDAs by PD, PSU, OTELP are enclosed for your kind perusal and necessary follow up action.

3. The following are the areas of facilitation from OTELP side at ITDA level to help support your dynamic endeavour to complete the processes of settlement / conferment within **September, 2008.**

- i. Hand held GPS survey instrument will be made available to you by PA, ITDA shortly for surveying the forest (Both reserve./ revenue) areas for conferring forest rights on tribals.
- ii. Exposure visits for Tahasildar / RIs on use of GPS instruments for survey have already been facilitated by Collector Gajapati. Similar actions may also be initiated by other Sub-Collectors to acquaint revenue authorities on handling hand held survey instruments.
- iii. PA, ITDA/FNGOs will facilitate the supply of forms to Programme villagers and help process the claims in Pallasabhas / Gramsabhas.
- iv. FNGOs will organize capacity building trainings of various Forest Right Committees.

- v. FNGOs are also facilitating the land less persons to apply in appropriate forms for settlement of land in their favour under OPLE/OGLs Acts.
  - vi. List of landless persons will age wise and their reconciliation with Tahashil records to find out eligible landless tribals of programme villages have also been prepared by FNGOs and the same may make the task of identification of landless easy for revenue authorities.
  - vii. Settlement of claims in the OTELP villages in camp courts by Tahasildars may also be organized and for that the vehicle support as and when required will be provided by PA, ITDA under OTELP.
  - viii. Letter No.24571 dt.5.6.2008 by Joint Secretary to Govt. in Revenue & DM Department has also been translated into Oriya by PA, ITDAs and distributed to VDCs, VLSCs and GPs of programme areas for discussion and follow up action
4. The Commissioner-cum- Secretary to Govt. ST & SC Development Department and Chairperson of OTELP & Commissioner-cum- Secretary to Govt. Revenue Department will review the progress of settlement in the **second week of July, 2008 at Koraput**. At least 50% of the applications be finalized by end of **August 2008**.
5. The progress with regard to land settlement under OTELP will be reviewed of by the Commissioner-cum- Secretary to Govt. ST & SC Development Department, every month hence, Tahasildars may please be requested to report month wise achievement to you and from your end the PA,ITDA will collect and submit to PSU on or before **10<sup>th</sup> of every month**.
6. I would request to kindly impress upon Tahasildar / Addl. Tahasildars under your jurisdiction to expedite the process of settlement.

Thanking you for your kind cooperation and assurance to achieve the target within the deadline fixed.

Yours faithfully,  
Sd/-

Revenue & Administrative Officer, PSU, OTELP

**ORISSA TRIBAL EMPOWERMENT & LIVELIHOODS PROGRAMME  
(ST & SC DEVELOPMENT DEPARTMENT)**

No. 681 dt. 13.6.08

To

The Collector,  
Kandhamal, Kalahandi, Koraput, Gajapati

**Sub: 1. Oriya Version of letter No. 24571 dt. 5.6.2008 of Jt. Secy. to Govt. Revenue & D.M. Department.**

**2. Inclusion of Sub-Collector on special invitee to DPMC Meeting.**

Sir,

I am to say that in the last meeting of the State Level Programme Management Committee (SLPMC) of OTELP (Proceeding sent vide this office Memo No.659 dt. 9.6.08), settlement of Govt. land including un-surveyed land in favour of eligible landless tribal families has been given much importance and accordingly the letter no. 24571 dt. 5.6.08 of Jt. Secretary to Govt. Revenue & DM Department was forwarded to you. The Oriya version of the letter is sent herewith for necessary action at your end. Meanwhile, the PA, ITDAs have been authorized to procure two hand held GPS per each Sub-Division covering OTELP to facilitate survey work by Sub-Divisional Forest Right Committee headed by Sub-Collectors. The Revenue & Administrative Officer, PSU has also discussed with the Sub-Collectors of your district on modalities of facilitation between ITDA and Sub Divisional Forest Right Committees. They have also been requested to select Tahasildars/ Additional Tahasildar /R.Is who will be given training on the use of hand GPs instruments. Necessary exposure visit for the same may also be arranged at your end.

In this connection, I may also request you to kindly invite Sub-Collector as Special Invitee to the Meetings of District Level Programme Management Committee (DPMC) of OTELP henceforth.

Since the Commissioner-cum- Secretary ST & SC Development Department & Revenue Secretary to Govt. will review the progress made in settlement of land with landless and conferring of forest rights in mid July, 2008 at Koraput, expeditious steps may kindly be taken to achieve substantial progress.

Yours truly,

Sd/-

Programme Director, OTELP  
& Ex-Officio Addl. Secy to Govt.  
ST&SC Development Department.  
Orissa, Bhubaneswar.

## EXPERIENCES AND ISSUES – FRA IMPLEMENTATION

### CSOs Collectives

25<sup>th</sup> June 2008

#### Participants

Representatives from Orissa, SWATI, PAHAD, INDIA, WORD, WOSCA, RRO, KASTURI, VIKAS NIKETAN, SAHARA, NDSWAD, READ, Prayas, IWDS, RCDC (I) CWS (I) Vasundhara (1) NCDS (1) EKTA Parishad (1) FES (1), CLAP (1) and CPF(7)

Total -45

#### District Represented

Angul, Nawarangpur, Keonjhar, Kandhamal, Rayagada, Mayurbhanj, Sundargarh, Koraput, Nayagarh, Deogarh, Gajapati, Malkangiri, Kalahandi, Nuapada and Boudh

Total- 15

#### Status of Implementation

- Process is on every where though at different levels
- Awareness in the community and among the FRC members is very poor
- Clarity and coordination among the facilitating Govt. Officials are low
- Claims are being submitted for individual rights invariably
- Proactive NGOs get involved in the process
- Physical verification not yet initiated mostly
- Trainings and workshops to FRC members only at block level mostly and at cluster level (RI) in some places
- Mass awareness programmes were not conducted in most of the districts
- Communication gaps between officials and community /FRC members
- Forms A & B are not supplied at the community level in most places
- In some villages of few districts (Gajapati, Nayagarh, Koraput, Deogarh and Boudh, Nawarangpur, Keonjhar) claims are submitted to SDLC due to the proactive role played by NGOs.

#### Observations:

- Revenue village level Palli Sabhas were organized, with few members.
- FRC members were nominated not elected
- Many FRC members don't know that they are FRC members.
- Women representation on FRCs is poor (below one third)
- After receiving "A" forms receipts were not given to many applicants.
- Form "B" is not applied in many habitations
- No Records are provided to FRC
- FRCs are also not maintaining any records of claims submitted
- Lack of transparency at village level about the claims received and sent to next level mostly
- Some tribal villages/ hamlets are not covered for the implementation



## Issues

- In some areas, the committee members are nominated without the knowledge of the local community.
- In some areas, the highly influential people, who are not eligible, have submitted claims
- In some areas, the claimants have been identified without conducting Palli Sabha
- In some areas, the Forest Departments are leveling lands afresh
- Obtaining caste certificate from Tehsildar (as evidence) in case of tribals is becoming difficult, especially in forest villages.
- Conflicts in the VSS and non VSS villages in JFM areas
- Inter village conflicts regarding filing of claims
- The potential of local NGOs is not being harnessed to aid effective implementation
- Political interference/vested interests is creating problems in some areas
- No specific budget allocation by the Govt. for the implementation of the Act.
- Information about the State level monitoring process and actions etc. are not widely published.
- In some areas, the smugglers in their vested interest, are encouraging the local community to clear fell the forest so that the claims can be submitted
- In most of the areas, the claimants applied for their Individual Entitlement but not applied for Community Rights like Grazing lands, Pathways, Burial Grounds, Temples, Rivers and Stream etc.

## Suggestions:

- Pallisabha has to be held at habitation level
- Trainings need to be imparted to FRC members on their roles and responsibilities
- Inter departmental coordination has to be enhanced
- Representation of non tribals in FRCs need to be looked into
- Women representation in FRCs as per the Act to be ensured
- GOs/Circulars related to the Act need to be widely disseminated in local language
- Claims in the Joint names of man and woman need to be encouraged
- Claims have to be sent to next level through the Palli Sabha invariably and presence of 2/3<sup>rd</sup> members to be ensured in all such meetings.
- Scrutiny of claims vis-à-vis the number of house holds in the hamlet so that eligible persons will not miss out
- Physical verification and demarcation & mapping has to be done in the presence of FRC members only.
- Last date for submission of claims has to be extended
- Awareness against clear felling (now) has to be created
- TA and DA has to be provided to FRC members when they attend training programmes
- NGOs involvement has to be encouraged for strengthening FRCs
- Clarification regarding the extent of land has to be issued (e.g. if a person has revenue / D patta land together 10 acres, can he/she still submit claim for forest land?)
- Guidelines have to be issued that the claims can not be received from elite non tribals

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**OFFICE OF THE COLLECTOR AND DISTRICT MAGISTRATE,  
GAJAPATI, PARLAKHEMUNDI**

L.No.1612/ dt. 11.07.08

**OFFICE ORDER**

For smooth and timely completion of verification of claims and applications received under Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Right) Act, 2006 and Rules, 2007 from the FRCs, the following arrangements have been made among the RIs and other field functionaries from 15.7.2008 to 31.07.2008. They are instructed to make detailed field inquiry, verify the area of occupants, prepare Map and supply to the Forest Rights Committees. They should also assist the Forest Rights Committee to prepare case record in favour of each applicant and submit the same to the Sub-Collector and Chairman of the SDLC, Paralakhemundi immediately after completion of survey and field work. Any deviation will be viewed seriously.

The President / Secretary of respective FRC will also remain present in the village during the visit of the survey team. The forest officials of the respective area are required to assist the survey team as per the scheduled programme.

Sd/-

Collector & D.M. Gajapati

**ORISSA TRIBAL EMPOWERMENT & LIVELIHOODS PROGRAMME  
(ST & SC DEVELOPMENT DEPARTMENT)**

**No. 825 dated 21.7.08**

To  
The Project Administrator  
ITDA, Balliguda

**Sub: Proceeding of Workshop on land rights held on 15.7.08**

Ref: Letter No. 712 dtd. 18.7.08

Sir,

This is to acknowledge with thanks the initiative taken for organizing Workshop on land rights on 15.07.08 involving Sub-Collector, Balliguda, DFOs Balliguda and Phulbani and Tahasildar/ Additional Tahasildar and NGO partners. The training and capacity building programmes indicated in the proceedings is also a welcome step. In the mean time, it is hoped that the FNGOs must have selected one WDT member as a nodal member for the purpose of land settlement whose names be communicated to Tahasildars also. The PO(PM &E) should ensure that the list of encroachers on revenue and forest lands after verification by revenue & forest authority respectively, be collected from Tahasildar and DFOs . On the basis of this, action may be taken to facilitate settlement of revenue land under OGLS and conferment of forest rights to eligible landless tribal families. Maps may also be obtained from Revenue & Forest Authorities for the purpose of survey and settlement. You must have handed over the hand held GPS sets to the Sub-Collector and also calculated the man power required to assist the Revenue Authorities and the fund requirement for payment of such engagement along with logistic arrangements.

You are requested to monitor the progress of land settlement on a daily basis and pursue the revenue and forest authorities to expedite the process so as to complete the same by end of August, 2008 for OTELP areas. This may be treated as most urgent.

Yours faithfully,

Sd/-

Programme Director, OTELP  
& Ex-Officio Addl. Secy to Govt.  
ST&SC Development Department.  
Orissa, Bhubaneswar.

**ORISSA TRIBAL EMPOWERMENT & LIVELIHOODS PROGRAMME  
(ST & SC DEVELOPMENT DEPARTMENT)**

**No.836 dt. 24.7.08**

To

The Project Administrator  
ITDAs, Balliguda

**Sub: Engagement of support staff for land survey in OTELP areas.**

Ref: Your Letter No.749 dt.23.7.08

Sir,

With reference to the subject cited above and in continuation to Letter No.776 dtd. 14.7.2008 of PSU, it is hereby clarified that after careful consideration it is decided that the support staff (if required) to be engaged by the Revenue authority to assist the regular Revenue staff of Tahasil in survey work for OTELP areas exclusively, may be paid the minimum rates of wages payable to skilled categories as per the notification of Labour & Employment Department, Govt. of Orissa Notification dt. 28.4.2007. A copy of the said notification is enclosed for your ready reference. The payment as per the above rate may be made by the Revenue authorities on the basis of the muster roll in support of the engagement. You are required to place funds with them towards payment of wages after calculating the person days and the quantum of work. Tahasildars may be requested to give Utilization Certificate to P.A ITDA after payment of wages along with a duplicate copy of the muster roll for record at ITDA level. The expenditure on this account may be charged to the Legal Defense Fund under the programme component of Support for Policy Initiatives.

This arrangement will continue till the survey/ settlement work in OTELP areas are completed or the survey and settlement wing is attached to ITDAs by the Revenue Department, whichever is earlier

This may please be treated as most urgent.

Yours truly,  
Sd/-

Programme Director, OTELP  
& Ex-Officio Addl. Secy to Govt.  
ST&SC Development Department.  
Orissa, Bhubaneswar.

**ORISSA TRIBAL EMPOWERMENT & LIVELIHOODS PROGRAMME  
(ST & SC DEVELOPMENT DEPARTMENT)**

**No. 896 dt. 4.8.08**

To

The Project Administrator,  
ITDAs, Koraput/Parlakhemundi, Balliguda, Th. Rampur.

**Sub: Information on "Mo Jami-Mo Diha" (My land My homestead) Campaign.**

Ref: Letter No.34502/ R &DM dt. 28.08.2007

Sir,

The Chief Secretary Orissa, while reviewing the performance of OTELP on 30.07.08 enquired about the achievement made so far under the programme 'Mo Jami-Mo Diha' (My Land and My homestead) in the OTELP areas. Letter of the Chief Secretary addressed to all Collectors vide above reference is sent here with for thorough discussion and chalking out the modalities of achieving the following objectives enshrined in the above letter.

- a. To Protect and ensure the land rights of the poor, who were allotted lease of Govt. Lands earlier or restored their lost land.
- b. To achieve convergence with development schemes to see that the land allottees are in a better position to utilize the land; and
- c. To assist the poor, with emphasis on those belonging to ST & SC community, to retain their land & homestead within the existing legal framework.

The District Collector have been suitably instructed to report in the MPR format enclosed in the letter by 5<sup>th</sup> of every month. The achievement made against eleven items of the said letter is reviewed by the Govt.

In the light of the above instruction, you are requested to do the following.

1. Please collect the information in respect of each item from district office with regard to OTELP villages.
2. Facilitate the revenue authority to expedite the process of implementation of the "Mo Jami-Mo Diha" Programme.

3. Modalities of facilitation in terms of logistic support may please be finalized in consultation with revenue authority by 10.8.2008 & report compliance for kind perusal the Commissioner-cum- Secretary, ST & SC Development Department and Chairperson, OTELP.
4. You are requested to physical verify the land allotted to the landless families in a campaign mode.
5. Since there is a provision for legal defense fund, you can identify such cases in OTELP villages only and asses the legal assistance required for restoration of tribal land.
6. Your report should reach to the undersigned for compilation by 5<sup>th</sup> of every month positively.

This may please be treated as most urgent.

Yours faithfully,

Sd/-

Programme Director, OTELP  
& Ex-Officio Addl. Secy. to Govt.  
ST&SC Development Department.  
Orissa, Bhubaneswar.

**REGIONAL CENTRE FOR DEVELOPMENT COOPERATION  
Sahid Nagar, Bhubaneswar.**

To

Dated, 11.9.2008

Mr. Ajit Tripathy, IAS,  
Chief Secretary to Govt. of Orissa  
Chairperson State level Monitoring Committee, Orissa

**Sub: Issues in claim verification by SDLC with regards to Forest Rights Act in Gajapati District, Orissa.**

The following are for your kind perusal and necessary action.

Sir,

As you know, as part of the process of implementation of the Forest Rights Act 2006, District authorities in many districts have started verification of claims submitted to the respective sub-Divisional Level Committees (SDLC); Work in this regard has also been expedited by the fact that the State Government has come out with a circular to complete the process of land rights recognition by January 2009. But in almost all the districts there are examples of faulty processes being employed for this purpose. A case in point is processes going on the moment in Gajapati district. We take this opportunity to bring this to your kind notice.

In Gajapati district the district level committee (DLC) has issued an order to all the Tahsildars on dated 11.7.08 to verify the claims in the field by engaging the concerned Revenue Inspectors (RI) and Amins and in this regard they had also prepared a schedule. Now since all these officers are not aware of the Act the demarcation is only being limited to the revenue forest areas and other areas (forestland) where people have claims and claims to that effect have been submitted are not being verified. No instruction or guideline has been given to the RIs to follow a particular process. When asked why they are not verifying the forest areas the RIs expressed that they have received no such instruction from their higher ups to verify forest areas. Now body knows who is going to verify forest areas. Under these circumstances the basic spirit of the Act that is recognition and vesting of forestland rights to tribals and other forest dwellers is diluted. Moreover, there is also utter confusion on demarcation of the community forest resources as nothing seems to be moving in the field.

We believe that a clear instruction along with a guideline has to be given to the district authorities by the nodal SC and ST Development Department. Either no such instruction has gone to the districts or there is volition of the instructions. If given Hope the SLMC is monitoring implementation on a regular basis. Neither the district authorities nor the RIs in the field could give a satisfactory answer as to how forestland is going to be verified?



Saur Kurianda is one of the villages in Gajapati district under jeeba RI circle. The RI had visited this village on dated 27.7.08. he had only gone to the forest areas under revenue area and not verified all he areas claimed by the villagers. This village has only 0.5 acres of forestland in revenue area. So the people complained it to the Sub-Collector (Chairperson of SDLC Paralakhemundi) and the Sub-collector had stopped the process till further order.

We also take this opportunity to site an example from the field to further substantiate our point. Some months back. We had brought to your kind notice about the plantation activities being taken by the Forest Department in several districts and especially about an almost law order situation in Nuapada district because of plantation under the JBIC project. The Forest Department in order to prove the claims wrong to taking up large scale plantation in cultivated areas that is leading to conflict between the department and the people we had also informed you about a similar case the Benlamaliguda in Boipariguda block of Koraput district very recently. One more such example has come from binjiriguda one of the village in Lad Reserve forest coming under the Forest Beaf – Siali, Forest Section – Kashinagar, Forest Range- Kashinagar, D- Paralakhemundi, District –Gajapati. In this village, people are protesting plantation activities being undertaken by the forest department very recently. Forest Departments play is clear that if there is plantation in an occupied area. Tribals will not be able to prove occupation prior to December 2005 and as a result their rights will not be recognized as per law.

We therefore request that strict instructions may kindly be given for proper verification of claims and stop plantation activities which is going on war footing. As the nodal monitoring body and the custodian of the Act, we believe you intervention is going to ensure land rights to Thousands of tribals in Orissa languishing in poverty f and uncertainty.

Expecting your kind and quick intervention

With sincere regards,

Sd/-  
(Sanjoy Patnaik)  
Director, NRM Programme

## CAMPAGN FOR SURVIVAL AND DIGNITY, ORISSA CHAPTER

*State Convener: Sri Gopinath Majhi At-  
Jayagudia, Po. - Banjari,  
Via - Belpahar Dist.- Jharsuguda, Orissa*

*National Convener: Pradip Prabhu 3,  
Yezebeh Behram, Kati, Malyan,  
Dahanu Rd. 401602*

To

The Secretary - cum - Commissioner,  
SC & ST Development Department,  
Govt. of Orissa.

**Sub: Major Concerns raised for better implementation Forest Rights Act in Orissa by CSD, Orissa.**

Respected Sir,

The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, was passed by the Central Government in December, 2006 after a long struggle of Tribal and forest dwelling communities throughout the country spearheaded by National Campaign for Survival and Dignity (NCSA), a national level campaign group that was instrumental behind enactment of this progressive legislation. This campaign is currently working to ensure that the Act is implemented in its letter and spirit. Implementation of this Act is already started in Orissa and Forest Rights committees have been formed at the Village Level. Government is claiming to have formed 32,000 FRCs excluding the Laxmipur Constituency. But most of the FRC members do not know what to do. Even the members of State Level Monitoring Committee / DLC / SDLC are unaware of their role and responsibilities. The following major concerns are being raised by CSD, Orissa for your attention and immediate action.

1. In most of the villages notices for the Palli Sabha did not reach before 15 days, Palli Sabhas were mostly held without the requisite quorum of two third majorities of the adult members of the villages. Since FRC were formed at the revenue village level, FRC could not be formed in the thousands of forest villages / un-surveyed villages including many other villages. Adequate representation of the PTG and forest dwellers could not be possible in the most of the FRCs and in many FRCs members / secretaries and presidents are coming from the revenue areas and members of VSS excluding the forest dwellers and PTG as the members of the FRC. Even the Government people who were deputed (like Teachers, GRS, VLWs, Aganwadi workers, Engineers etc.) for holding Gram Sabha were unaware of the provisions of the Forest Rights Act and on PESA, 1996 and asked the villagers to form "Jungle Surakshya Committee" instead of "Jungle Adhikar Committee". In most of the cases, secretaries/ deputed authority of a G.P went to the village with the format and just filled up the forms and took the signatures of the FRC members who were remained present in the meeting.

While the Forest Rights Act gives emphasis on the central PESA Act 1996, and have empowered the Gram Sabha (Palli Sabha), But the FRC formation resolution is not with the Palli Sabha till date which is in violation of the spirit of the FR Act and reflecting the **SARKARI KARMACHARI RAJ**.

### Our Demand

- Let the FRC be formed at the Pada / hamlet level of the forest villages and un-surveyed villages.
- Let the forest dwellers form new FRC where the required quorum could not been possible in the Gram Sabha and proper representation of the forest dwellers and PTG are not there.
- Form FRC as soon as possible where FRC has not been form till date including the Laxmipur Constituency.
- Give the actual district wise status report of the FRCs formed in the State.
- To stop "**Sarkari Karmachari Raj**" and empowered the Palli Sabha.

2. The most important responsibility under the Act has been given to the Sub-Divisional Level Committee to provide training to Committee's members, raise awareness among forest dwellers about the objectives and procedures laid down under the Act and in the rules, to ensure easy and free availability of proforma (form) of claims to the claimants, etc.

All these committees (SLMC/ DLC/SDLC) should have been formed before the formation of FRCs so that necessary support could have been supplied to the FRCs. However, in many districts, the Sub-Divisional Level Committees are yet to be formed. Even the members of all these committees do not know about their role and responsibilities. While there is no mention of the role of BDO in the Forest Rights Act and the Rules, the Orissa Government gave the whole responsibility to hold Gram Sabhas to the BDOs and all resolution copies of the Palli Sabha (Gram Sabhas) and list of the FRCs are still with the BDOs and G.P. Secretaries and are yet to be send by the FRCs to the SDLC. This is a gross violation of the provision of the Act.

Despite all the provision of the Act, the forest dwellers are still facing problem in getting the prescribed forms, documents, maps and the most important thing is training as to how to fill up the forms and submit their claims.

Forest Rights Act and Rules has assigned the SC and ST development Department as the Nodal Agency for the implementation of the Act, the Department is still silent while the Scheduled Tribes and forest dwellers are facing lot of problems.

## Our Demand

- Give the Status report of the formation of FRCs, District Level Committees (DLC) and Sub-Divisional Committee (SDLC).
- Give direction to the SDLC and DLC to do their assigned duties under the Forest Rights Act in providing requisites training to the FRC Members, supplying sufficient forms to the forest dwellers free of cost, supply all necessary information, records, maps secondary data, ROR, forest, blocks Map to the Gram Sabha (Palli Sabha).
- Immediately transfer the resolutions and list of the FRCs copies from the BDOs to the SDLC.
- Like the duty of the Revenue Department to supply records, map, RoR to the FRC, the Forest department (DFO) also should supply all forest blocks map to the FRC free of cost.
- Tribal Department **"Hos me Awo"**

3. During implementation of the Forest Rights Act, the Govt. of Orissa is more focusing on the individual forest land rights rather than the forest rights of the community. The assumption is that after giving the individual rights, the community rights can be easily handed over to other private parties.

## Our Demand

- Let the Government give more importance to the Community Rights. Recognize the community initiative in the protection of CFR. Withdraw the Sarkariraj on the community land and community forest.

4. While the preamble of the Forest Rights Act has admitted that the rights of the forest dwellers could not been "adequately recognized in the consolidation of State forests during the colonial period as well as in independent India resulting in historical injustice to the forest dwelling Scheduled Tribes and Other Traditional Forest Dwellers who are integral to the very survival and sustainability of the forest ecosystem" and felt to addressing the long standing insecurity of tenurial and access rights of forest dwelling Scheduled Tribes and other traditional forest dwellers, there are still number of illegal cases filed against thousands of forest dwellers, they have been tortured and falsely convicted by the forest Department.

## Our Demand

- Withdraw all cases against all the forest dwellers immediately and allow them to enjoy their traditional rights which they have been enjoying from the beginning.

5. The provision of ST certificate has created a big problem to the forest dwellers. Since most of the Tribal Forest dwellers live in forest villages, they do not have patta land so as the ST certificates. Even they rarely were involved in the stream of development and banking system. As a result, they never required ST certificate. Even after the application, the Tehesildars are not issuing them the ST certificates despite of the provision that he can issue ST Certificates despite

of the provision that he can issue ST certificate after taking witness of the elder person of respective villages. Thus the ST certificate as prescribed in the ACT has become an important problem for the schedule tribe forest dwellers.

### Our Demand

- Let the Gram Sabha (Palli Sabha) be authorized to certify the ST status of a person during making resolution against the forest dwellers by the Grama Sabha. Let the SDLC check it out after receiving the claims from the Grama Sabhas.
- Let the Revenue Department issue a circular authorizing the Gram Sabha (Palli Sabha) to issue ST certificate only for this FR Act.

6. Even after the passage of the forest rights act in 2006 and giving ownership of the forest to the community, the Forest Department is still playing dominating role upon the schedule tribe and forest dwellers. It is still continued with its programme of plantation on the forest land occupied by the forest dwellers and community under different programmes i.e. JFM, JBIC Project, OFDC Plantation, Bio diesel Plantation. Besides, under different developmental Government programmes i.e. OTELP, Watershed and WFP, plantation are been done on the forest agriculture and community land which is the gross violation of the spirit of the Forest Rights Act.

While the Forest Rights Act ha given the ownership rights over the MFP like Kendu leaf and bamboo under Section 2(i) of the Forest Rights Act, 2006 to the community, the forest department (KL) is still continuing it's **FOREST DEPARTMENT RAJ AND FOREST KARMACHARI RAJ** over these MFPs and excluded community rights violating the FR Act.

The Forest Department is also unable to protect the forest and watching silently of the transfer of thousand hectares forest land for non forest purposes.

Forest Department is playing a dividing role amongst the community by creating VSS in the forest villages leading to commercialization of forest and bad impact upon the forest community.

While the Forest Rights Act 2006 recognizes the forest rights of the community before 13 Dec.2005 and gives ownership to the community over all planted trees etc, then how it is possible to hand over the Cashew trees to the Cashew Corporation excluding the genuine rights of the community. For example, Koraput district.

### **Our Demand**

- Stop **FOREST DEPARTMENT RAJ AND FOREST KARMACHARI RAJ.**
- Stop eviction doing plantation programme on the forest land under any project like JBIC, OFDC, OTELP, Watershed and WFP etc.
- Issue special Circular to the FRC (Palli Sabha)/SDLC and DLC giving ownership rights over Kendu leaf and Bamboo.
- Stop transfer of Forest Land for non forest use.
- Ban VSS. There is no need of VSS further after this Forest Rights Act which empowered and authorized the community to protect the forest themselves.
- Stop auction of cashew and immediately hand over the community as per the FR Act, 2006.

7. The recently declared Tiger Reserved by the Government of India is illegal as per the FR Act, 2006.

### **Our Demand**

The Orissa Government should protest the declaration of tiger reserved by the Govt. of India in Satkosia and others. We demands first settlement of forest rights then follow any other process again according to the given provision of the Forest Rights Act, 2006.

8. Allocation of Budget for the better implementation of Forest Rights Act, 2006 and immediate release funds to the SLDC towards providing all necessary supports to the FRCs.

9. The Orissa Government should insist upon a time bound plan for the implementation of Forest Rights Act in the State.

Yours faithfully,

Sd/-

Gopinath Majhi

State Convener and Members  
Campaign for Survival and Dignity, Orissa

**ORISSA TRIBAL EMPOWERMENT & LIVELIHOODS PROGRAMME  
(ST & SC DEVELOPMENT DEPARTMENT)**

**No. 1590 dated 26.11.2009**

To

The Director  
SCSTRTI, Bhubaneswar

**Sub: Study on implementation of ST & Other Forest Dwellers (Recognition of Forest Rights) Act,2006**

Ref: Your Letter No. 3446 dtd. 23.11.2009

Sir,

With reference to the above mentioned subject and letter, I am to send herewith 8 Nos. of letter addressed to the P.As. of ITDAs of OTELP districts relating to the effective implementation of the ST & Other Forest Dwellers (Recognition of Forest Rights) Act, 2006 for your reference.

Yours faithfully,

Sd/-  
Programme Director, OTELP  
& Ex-Officio Addl. Secy. to Govt.  
ST&SC Development Department.  
Orissa, Bhubaneswar.

To

**The Commissioner-cum-Secretary,  
Deptt. Of SC & ST Development Department  
Government of Orissa**

**Sub: Regarding Government of Orissa notification for convening special Palli Sabha on 18<sup>th</sup> January 2009 in the State.**

Dear Sir,

The ST & SC Development Department, Government of Orissa has issued a letter (No.TD-II-11/08) on 6<sup>th</sup> January 2009 to all the PA., ITDAs and all DWOs wherein they have mentioned that as per the direction of the ST & SC Development department the Panchayati Raj Department has requested all Sarpanchs in L.No.49408/PR dated 30.12.2008 to convene special meeting of Palli Sabha /Gram Sabha throughout the state on 18.01.09 to consider the claim cases received by FRC/recommended by SDLC for consideration of SDLC as per statutory requirement. This is another proactive step taken by the Government of Odisha which shows the commitment of the Government towards implementing the Forest Rights Act.

In view of the referred notification we would like to bring your notice some of the concerns which have arisen at the field level.

1. Although the notification for the special meeting of the Gram Sabha/ Palli Sabha was issued by the Panchayati Raj Department on 30<sup>th</sup> December 2008 for discussion on important matters like consideration and approval of claims, information regarding the notification has not reached till date to the Gram Panchayats and the FRCs as a result of which there is a confusion regarding the very purpose of this Special Gram Sabha/Palli Sabha.
2. According to the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, Gram Sabha is the authority to initiate the process of determining rights which included receiving and verifying the rights of the scheduled tribes and other traditional forest dwellers. It is observed that in many parts of the state the process of verification of rights is not completed and the verification process has only considered individual rights leaving out the other community rights claimed by the community. So it should be the prerogative of the Gram Sabha to consider final approval of claims only when the process of verification in respect of all rights recognized under the Act and claimed by the forest



communities is complete. In this context the notification seems to have been issued by the Government overlooking the present status of claims and the exact progress in the process of verification.

3. there is an apprehension that if such Gram Sabhas /Palli Sabhas are convened without the prior information and without taking into account the preparedness of the Gram Sabhas/Palli Sabhas then it might reduce the role of the Gram Sabha/Palli Sabha to merely a body for endorsing executive orders without considering the claims and interests of the forest communities.
4. Effective coordination among the Revenue, Forest and Welfare Department during the verification and demarcation is a matter of concern for the FRC.
5. It is observed that the verification process supported by the SDLC appointed team has limited the verification exercise to consider only claims from the Scheduled Tribes and has left out claims of the Other Traditional Forest Dwellers and also community forest rights.
6. The Verification process is not initiate in many of the Forest and Unsurveyed villages. The verification team is not duly informing the FRCs prior to the field verification.

In view of the problems shared above land in view of the situation arising because of the Government notification for Palli Sabha on 18<sup>th</sup> January 2009 we would like to make following suggestions for addressing the issues raised in this memorandum.

1. The ST & SC Development, which is the nodal agency for implementation of the Act, should issue direction to the Panchayati Raj Department to instruct the appropriate authorities to convene Palli Sabhas /Gram Sabhas as and when the process of determination of rights is complete in all respect in a village.
2. Palli Sabhas/Gram Sabhas should be convened in a phased manner so as to enable the Gram Sabhas/Palli Sabhas to complete the mandatory processes for determination of rights at the village level.
3. There is a need to streamline the ongoing process of verification started by the verification team. In this regard we would like to share our suggestions which are detailed below.
  - a) The field verification of claims needs to be done by a joint team consisting of revenue, forest and welfare department officials.

- b) Prior information (at least 15 days notice) needs to be given to the FRC, Gram Sabha about the field verification dates so as to encourage participation of community and the FRCs in the verification.
  - c) Field verification needs to be carried out in presence of and with active involvement of FRC members and concerned claimants including women.
  - d) The field verification should cover both individual and community claims.
  - e) During field verification claims are needed to be verified with support from extra evidences from claimants and witnesses and care should be taken to ensure that claims of vulnerable communities such a PTGs, Nomadic and Pastoralist communities are verified.
  - f) After verification and mapping the verification team should share a copy of the findings and the final map with the FRC.
4. Information issued by the Government in form of circulars/ letters concerning the processes under the Forest Rights Act should be made available in the website and in the print and electronics media at a regular interval.

We would urge the government to take necessary steps to address the concerns and issues raised in this memorandum and also consider the suggestions given above.

Yours sincerely,  
Sd/-  
Members of Facilitating Groups.

## **V. ANNEX :**

1. Achievements on FRA in India as on July, 2012
2. Achievements on FRA in Odisha as on 31st August, 2012
3. Recent Press Release on FRA Implementation

## **1. Achievements on Implementation of FRA, 2006 and Rules, 2007 in India (As on 31<sup>st</sup> July, 2012)**

### **Initiation of FRA Implementation**

- Forest Rights Act, 2006 came into force with effect from 31<sup>st</sup> December 2007 and the Rule made under the law came into force from 1<sup>st</sup> January 2008.
- In India out of 28 States, the FRA has been implemented by only 18 States and none of the Union Territories have implemented the law.
- In the state of Tamilnadu, the FRA process has been initiated but title deeds are not distributed due to stay order of Hon<sup>ble</sup> High Court.
- The process of implementation of various provisions of FRA started in the State Odisha from 1<sup>st</sup> February 2008 after constitution of SLMC, DLC and SDLC.

### **Claims Received (As on 31<sup>st</sup> July, 2012)**

- As on 31<sup>st</sup> July 2012, in India a total of 32.28 lakhs claim received by Gram Sabha, of which 31.68 lakhs is Individual Forest Rights claim and rest 0.60 lakhs is Community Forest Rights Claim. Individual Forest Rights Claim constitutes 98.13% to total claims received by Gram Sabhas.
- A total of 5.32 lakh claims received by various Gram Sabha in Odisha, which is 16.49% to total claims received in the country.
- Odisha ranks 1<sup>st</sup> position in India in terms of number of claims received by Gram Sabhas and also amongst the 9 LWE (Left Wing Extremism) affected States.
- While Odisha occupies top position in receiving of claims under INDIVIDUAL FOREST RIGHTS in India, it ranks 10<sup>th</sup> Position in terms of number of COMMUNITY FOREST RIGHTS claims received.

### **Claims Disposed off (As on 31<sup>st</sup> July, 2012)**

- In India a total of 27.73 lakh claims have been disposed-off against 32.28 lakh claims received, which is 85.90% to total claims.
- The State of Chhattisgarh ranks 1<sup>st</sup> Position in terms of percentage of claims disposed-off against the number of claims received. The percentage of disposal is 99.19%.
- In Odisha, a total of 4.31 lakh claims have been disposed off as against 5.32 lakh claims. The rate of disposal is 81.07%.

### **Title Deeds Distributed (As on 31<sup>st</sup> July, 2012)**

- In India a Total of 12.68 lakh titles have been distributed, which is 39.29% to Total number of claims received by Gram Sabhas. Similarly in case of LWE States, a total of 10.12 lakh titles have been distributed against 27.49 lakh of claims received, which is 41.64% to total claims
- In Odisha, a total of 3.01 lakh titles distributed against 5.32 lakhs claims received, which is 56.57% to total number of claims.
- The State of Odisha occupies **TOP POSITION** amongst the States in India (Including LWE States) in terms of distribution of number of Title Deeds.
- Odisha occupies **2<sup>nd</sup> Position** in terms of percentage of distribution of title deeds against the number of claims received by Gram Sabhas (Tripura Ranks 1<sup>st</sup> Position=66.49%).
- Odisha ranks **1<sup>ST</sup> Position** and **4<sup>th</sup> Position** in terms of number of title distributed UNDER INDIVIDUAL FOREST RIGHTS .and UNDER COMMUNITY FOREST RIGHTS, respectively.

### **Claims Rejected (As on 31<sup>st</sup> July, 2012)**

- In India a total of 15.04 lakh claims have been rejected, which is 46.61% to total number of claims received by Gram Sabhas.
- In Odisha, a total of 1.31 lakh claims have been rejected against 5.32 lakh claims received by Gram Sabhas, which is 24.78% to total claims.
- The highest number of claims has been rejected by the State of Madhya Pradesh and a single claim has not been rejected in Tamilnadu.
- While Odisha occupies **top position** in terms of **lowest percentage of rejection** against total number of claims received by Gram Sabha among the LWE States Odisha, it stands with **6<sup>th</sup> Position** in terms of rejection of claims.

## **2. Achievements on Implementation of FRA, 2006 and Rules, 2007 in Odisha State (As on 31<sup>st</sup> August, 2012)**

### **Constitution of FRCs (As on 31<sup>st</sup> August, 2012)**

- Nos. of FRCs constituted by Gram Sabhas; 47,389
- The SLMC, 52 SDLCs and 30 DLCs have been constituted in the Odisha.

### **Claims Received (As on 31<sup>st</sup> August, 2012)**

- **Total nos. of claims received under FRA:** 5,36,904
- **No. of Individual Forest Rights claims received:** 5,31,549
- **No. of Community Forest Rights claims received:** 5,355

### Title Deeds Distributed (As on 31<sup>st</sup> August, 2012)

- **Total nos. of Title Deeds distributed under FRA: 3,05,562 (Area- 5,48,769.91 Ac.)**
- Nos. of Individual Title Deeds distributed: 3,04,660 (Area- 4,93,378.00 Ac.)
- Nos. of Community Title Deeds distributed: 902 (Area- 55,391.91 Ac.)
- **Total nos. of (PTG) Title Deeds distributed: 17,270 (Area- 41,771.22 Ac.)**
- Nos. of (PTG) Individual Title Deeds distributed: 17,229 (Area- 26,650.22 Ac.)
- Nos. of (PTG) Community Title Deeds distributed: 41 (Area- 15,121.00 Ac.)

### Convergence of FRA Land with other Schemes (As on 31<sup>st</sup> August, 2012)

- As many as 1, 14,397 beneficiaries (STs and Other Forest Dwellers) have been covered under different schemes, the break up of which is given in the following Table.

Scheme	No. of Ben.	Scheme	No. of Ben.
IAY	43,737	National Bamboo Mission	28
MO Kudia	2,931	National Hort. Mission	5022
MO Pokhari	4,810	Land Development (MGNREGS)	36,152
Others	21,717	All Schemes	1,14,397

### 3. Recent Press Release on FRA Implementation

**Press Information Bureau  
Government of India  
Ministry of Tribal Affairs**

31-August-2012 16:06 IST

#### **Forest Rights Committee**

The Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 does not contain any provision for constitution of Forest Rights Committee by the State Governments. The Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2008, notified by the Ministry of Tribal Affairs on 1.1.2008 for implementing the provisions of the Act, however, provide for constitution of Forest Rights Committee by the Gram Sabha for assisting it in its functions to –

- (i) receive, acknowledge and retain the claims in the specified form and evidence in support of such claims;
- (ii) prepare the record of claims and evidence including maps;
- (iii) prepare a list of claimants on forest rights;
- (iv) verify claims as provided in the Rules;
- (v) present their findings on the nature and extent of the claim before the Gram Sabha for its consideration;
- (vi) acknowledge every claim received, in writing;
- (vii) prepare the claims on behalf of Gram Sabha for community forest rights in the prescribed Form.

The Rules also provide that the Forest Rights Committee shall, after due intimation to the concerned claimant and the Forest Department –

- (a) visit the site and physically verify the nature and extent of the claim and evidence on the site;
- (b) receive any further evidence or record from the claimant and witnesses;
- (c) ensure that the claim from pastoralists and nomadic tribes for determination of their rights, which may either be through individual members, the community or traditional community institution, are verified at a time when such individuals, communities or their representatives are present;
- (d) ensure that the claim from member of a primitive tribal group or pre-agricultural community for determination of their rights to habitat, which may either be through their community or traditional community institution, are verified when such communities or their representatives are present;

- (e) prepare a map delineating the area of each claim indicating recognizable landmarks; and
- (f) record its findings on the claim and present the same to the Gram Sabha for its consideration.

The Rules further provide that if there are conflicting claims in respect of the traditional or customary boundaries of another village or if a forest area is used by more than one Gram Sabha, the Forest Rights Committees of the respective Gram Sabhas shall meet jointly to consider the nature of enjoyment of such claim and submit the findings to the respective Gram Sabha in writing.

**Press Information Bureau  
Government of India  
Ministry of Environment and Forests**

27-August-2012 15:46 IST

**Diversion of Forest Land**

The Centre for Science and Environment has done a study on environment and forest clearance. The said study has analyzed forest diversion for development projects including mining. As per the report of the said study released in September 2011, Central Government accorded approvals under the Forest (Conservation) Act, 1980 for diversion of 1,48,860 Ha of forest land for mining purpose since enactment of the Forest (Conservation) Act, 1980.

Control of illegal mining and deforestation is mainly the responsibility of the concerned State/Union Territory Governments. Ministry of Environment and Forests however provides financial assistance under various Central Sector and Centrally Sponsored Schemes to strengthen and upgrade the State Forest Department to prevent illegal mining and deforestation activities in forest areas.

To mitigate impacts on flora and fauna, Central Government while according approvals under the Forest (Conservation) Act, 1980 for diversion of forest land for mining stipulates appropriate conditions. Important among these conditions are transfer and mutation of equivalent non-forest land in favour of State Forest Department (SFD) for creation of compensatory afforestation from the funds to be provided by the user agency; notification of such non-forest land transferred in favour of the SFD as Reserved Forest/Protected Forest; realization of Net Present Value (NPV) of the diverted forest land from the user agency for execution of various activities for conservation, protection and management of forest and wildlife and realization of funds from the user agencies for preparation and execution of appropriate plans for conservation and development of wildlife in and around the forest land diverted for non-forest purposes.

The above information was given by the Minister of State (Independent Charge) for Environment and Forests, Shrimati Jayanthi Natarajan to the Parliament today. MC/sk



**Press Information Bureau  
Government of India  
Ministry of Tribal Affairs**

24-August-2012 16:52 IST

**Rights for Forest Dwellers**

The Ministry of Tribal Affairs enacted the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 with the objective of remedying the historical injustice done to the forest dwelling Scheduled Tribes and other traditional forest dwellers. The Act has substantially met this mandate through distribution of 12, 68,766 titles to the eligible claimants under the Act till 31st July, 2012. However, the number of community rights recognized remains low and the rate of rejection of claims is more than fifty percent.

Complaints have been received over a period of time concerning denial of rights and eviction of tribals from forest etc. These complaints have been sent to respective States/UTs for taking necessary action as the implementation of this Act lies with the States/UTs.

Several factors have come to the notice of the Ministry that are impeding the implementation of the Act in its letter and spirit and constraining the flow of intended benefits of this watershed legislation to the eligible forest dwellers. The recognition of community rights such as rights to minor forest produce, grazing areas, water bodies, habitats of Particularly Vulnerable Tribal Groups, pastoralists' routes remains very low. The rate of rejection of claims is also high.

The Ministry accordingly undertook an exercise to arrive at certain provisions/ steps for facilitating robust implementation of the Act. Pursuant to the said exercise, the Ministry has issued guidelines to the State Governments/ Union Territory Administrations on 12.7.2012 for improved implementation of the Act. These guidelines pertain to process of recognition of rights, evidence requirements, rights to minor forest produce, community rights, community forest resource rights, protection against eviction, diversion of forest lands and forced relocation, awareness raising, monitoring and grievance redressal.

To facilitate efficacious translation of objectives of the Act, the Ministry has initiated the process of amendments in the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2008. The draft Rules titled "The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012 has been published in the Gazette of India, Extraordinary, Part II - Section 3 - Sub-section (i), dated 19.7.2012 for inviting objections and suggestions within one month of its publication from all the persons likely to be affected thereby. The proposed amendments to the Rules relate to laying down a procedure for identification of hamlets or settlements and process of their consolidation, increasing the mandatory Scheduled Tribe membership of Forest Rights Committees from the present one-third to two-third, reducing the present requirement of quorum of two-third in the gram sabha meetings to one-half, clarifying that the term 'bona fide livelihood needs' includes fulfillment of livelihood needs of self and family, including the sale of surplus produce arising out of exercise of rights, allowing transportation of minor forest produce within and outside forest area through locally appropriate means of transport by gatherers or their cooperatives or associations or federations laying down the process for recognition of rights, including community rights, insertion of new Claim Forms for Rights to Community Forest Resource and Title Form for Community Forest Resources etc.

The guidelines issued by the Ministry on 12.7.2012 and the proposed amendments to the Rules, when notified, would lead to better implementation of the Act at the ground level. At present, there is no proposal to amend the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.

This information was given by the Minister of State for Tribal Affairs, Shri Mahadeo Singh Khandela in a written reply in the Lok Sabha today.

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**Press Information Bureau  
Government of India  
Ministry of Tribal Affairs**

10-May-2012 17:02 IST

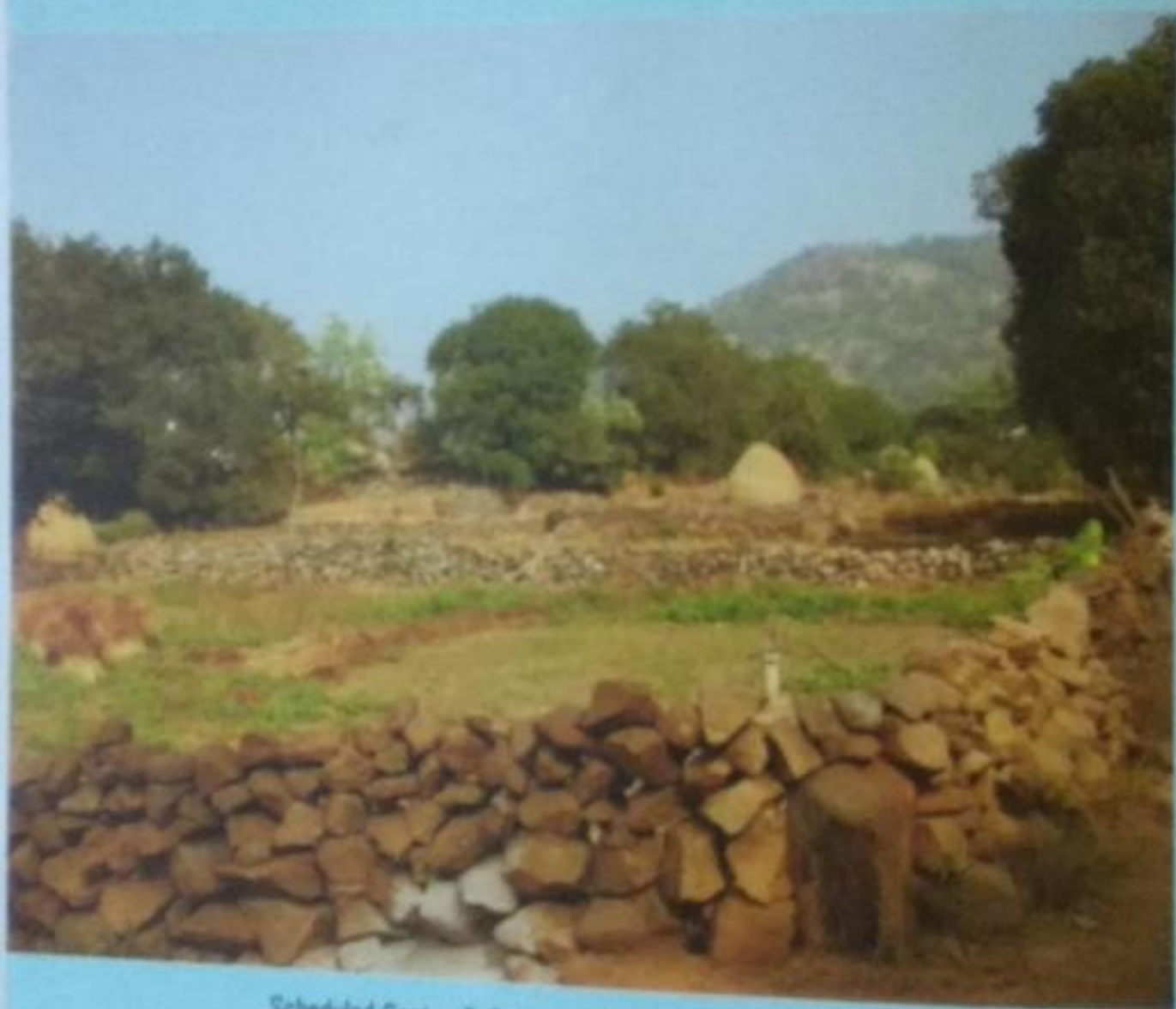
### **Collective Upliftment of Tribals**

The Ministry of Tribal Affairs is implementing various Central Sector/Centrally Sponsored Schemes/Programmers for the socio-economic development of tribal people in the country. The schemes/programs are meant for the welfare of all the tribal people, including those living in the forest areas of the country. In addition, the Ministry is also implementing the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 to recognize and vest the forest rights and occupation in forest land in forest dwelling Scheduled Tribes and other traditional forest dwellers who have residing in such forest for generation but whose rights could not be recorded to ensure (a) tenurial security, providing them relief against the physical and psychological alienation from land belong to them; (b) livelihood, in terms of agriculture and ownership of minor forest produce, including right of access to collect, use and dispose of the same and (c) traditional and customary rights. The Ministry has also asked State Governments/UT Administrations to plan convergence of existing welfare and development initiative for the title holders in the forest lands under the Forest Rights Act 2006 for their overall socio-economic development.

Upliftment of tribal [people living in the forests, with the aim of bringing such tribal people in the mainstream of the country, through implementation of various schemes/programs of the Ministry, is an on-going process. Government is continuously making efforts to bring the tribals in the mainstream through implementation of various schemes/programs of this Ministry.

This information was given by the Minister of State for Tribal Affairs Shri Mahadeo Singh Khandela in a written reply in the Rajya Sabha today.

**PKM/BS**



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