

11

(80)

would be significantly higher. Such a presumption is logical as claims over forest land under the impugned Act could have been entertained by the Gram Sabha only if it was under occupation as on the cut-off date i.e. 13.12.2005. A Statement containing analysis of data on false claims and methodology prepared by the Applicant is produced as

ANNEXURE - A9. [Page 58]

15. The problem has been further compounded by the provisions of sub section (5) of Section 4 of the impugned Act which expressly prohibits eviction or removal of claimants till the entire process of recognition and verification of determination of the claims has been completed, which has had disastrous impact on forests all over the country. The relevant provision of Section 4(5) of the said Act is reproduced below:

*"Sec. 4 (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."*

It is respectfully submitted that once the ineligible claimants i.e. encroachers illegally occupy forestland after felling the trees, it will be irretrievably lost as it will become very difficult to recover its possession. The petitioners have not come across a single instance where such illegal encroachers have been evicted and the