

accordance with Scheduled Tribes and other Traditional Forest dwellers (Recognition of Forest Rights) Act, 2006 and Rules -2008.

People from tribal settlements (Haadis) have claimed that their ancestors were practicing agriculture in some of the forest patches and Hadlus and also claim the existence of burial grounds and wells in some of the places. These places have been jointly surveyed by Social Welfare Officer, Revenue Officer and Range Forest Officer. But the Range Forest Officer, in his report has stated that the places shown by tribal people are dense natural forests and neither there is proof of agriculture being practiced nor any evidence submitted. Also, some of the fruiting trees shown by them as evidence for claiming rights are naturally grown.

Section-4(3) under Chapter 3 of Scheduled Tribes & other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 states that, "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 13<sup>th</sup> of December, 2005" and Section 4(6) states "Where the forest rights recognized and vested by sub-section (1) are in respect of land mentioned in clause (a) of sub-section (1) of Section 3 such land 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 occupation and shall in no case exceed an area of four hectares".

But the Range Forest Officer has reported that the places being shown by people from tribal settlements are not under the occupation of an individual or family or community on the date of commencement of the Act as mentioned in the above rule.

It has been observed that even before the rights could be recognized, tribal people have attempted to practice agriculture by cutting bamboo and other trees and setting fire to the forest lands in places where survey was conducted by Forest department along with Revenue and Social Welfare departments.

The Principal Chief Conservator of Forest (Wildlife), Bangalore during the field inspection carried out on 28<sup>th</sup> January, 2011, raised serious objections to cutting of bamboo and other trees in the surveyed areas even before the rights could be recognized. He has directed that procedure for recognition of forest rights shall be in accordance with Section 4(3) and 4(6) of Chapter-3 of the Act.

The Honorable High Court has constituted a tribal resettlement committee on 4<sup>th</sup> of January, 2005 under the chairmanship of Prof. Muzzafar H Asadi, University of Mysore, Manasa Gangotri - Mysore in relation to a Writ petition 14399/99 C/w W/P No.29231/2000. filed by M/s DEED, Hunsur on the subject of resettlement of tribal