

people living inside Nagarahole National Park. The said committee, in its interim report has mentioned 1738 families and since the final report was yet to be submitted, the Honorable High Court, in its order of 3rd April, 2009, had asked the committee to submit the final report within two months. Subsequently, the Court, in its order of 5th April, 2010, extended the time for submission of final report by another three months starting with 27th January, 2010. This Office has no information on the submission of final report to the Honorable Court.

During 1999-2000, Prof. T.B.B.S.V Ramanaiah of Mysore University, Manasa Gangotri, Mysore had recorded in Kodagu District portion, a population of 3740 from 1041 families excluding Ayarahosalli and Cheni Hadlu) and till now, 372 tribal families have voluntarily resettled. But, it is observed that the current population of tribal settlements is more than the population recorded by Prof. T.B.B.S.V Ramanaiah. It is observed that people from outside of National Park have illegally settled in tribal settlements.

In one particular case, the Range Forest Officer, Anechowkur Wildlife Range, in his report has expressed difficulties in recognizing forest rights as 56 applications have been received from Adugundi tribal settlement but the census conducted by Prof. T.B.B.S.V Ramanaiah and Tithimathi Village Panchayat report have recorded a total of 20 families.

There is no accurate information on the number of people living in tribal settlements prior to 13th December, 2005. Rights can be recognized only after evidence listed in Clauses a to i of Rule 13 of Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2008 is produced by those who have occupied forest land before 13th December, 2005.

There is no clarity on the claim for Hadlus as community right by tribal people. While recognizing the forest rights, it is observed that sections 4(3) and 4(6) of Chapter - 3 are not being followed. Individual and community rights can be recognized and vested simultaneously.

During our telephonic discussion on 8th November, 2010, you were informed that the department would extend full cooperation for recognition of community rights. Subsequently, when Forest Rights Committee started the process of recognizing the rights, only those areas like Hadlus where individual rights claimed to have existed were surveyed. This is not only against the prescribed procedure for verification of community rights, but also in violation of sub-rule 2 (a) (b) and (c) of Rule 13 of Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules.

Some of the tribal families, who were earlier living inside the forest, have voluntarily resettled to forest fringes. The department had no role to play in this entire process. According to Section 3(m) of Forest Rights Act, in situ rehabilitation shall be provided including alternative land in cases where the Scheduled Tribes and other traditional