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Compliance of Hon'ble Apex Court's order in the matter of W.P.(C)
109/2008 dated 28.02.2019

Meeting Brief

Hon'ble Supreme Court on 13.02.2019 in WP(C) No. 109/2008, Wildlife Trust of India Vs. Union of India had directed 21 State Governments to indicate, by way of an affidavit as to why after the rejection of claims, which have obtained finality, eviction order has not been passed. Further, the order states that where the rejection order has been passed, the eviction shall be carried out on or before the next date of hearing and incase the eviction is not carried out, as aforesaid, the matter would be viewed seriously by the Hon'ble Supreme Court.

2. The Ministry of Tribal Affairs filed an application for amendment of the above Supreme Court order, since it was likely to evict occupation of a large number of Forest Dwellers, majority of which are Scheduled Tribes.

3. On the basis of the said application, the Hon'ble Supreme Court wide its order dated 28.02.2019 has, inter alia, stayed its order dated 13.02.2019 regarding eviction of rejected cases under FRA, 2006 and further the Hon'ble Court has directed to the State Governments, regarding detailed information to be furnished as under.

- 1) Number of claims filed by STs.
- 2) Number of claims of STs on which rejection order has been issued.
- 3) Reason of rejection stated in the rejection order/the main grounds on which claims have been rejected.
- 4) Procedure followed while examining the claims and their settlement
- 5) Procedure adopted for rejection order/claim of STs / whether STs have been served with the orders of rejected of their claim?
- 6) Whether the three tier Monitoring Committee constituted under the Forest Rights Act, 2006 and Forest Rights Rules, 2008 have supervised all aspect mentioned in point 5 above.
- 7) Who has rejected the claim?
- 8) Whether the STs were given opportunity to adduce evidence and if yes, to what extent?