

	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

		vested, the same will have to be settled in accordance with the prevailing State laws in this regard. [MoTA's letter No. 17014/02/2007-PC&V (Vol-VII) (pt.) dated 5.5.2011, addressed to Government of Rajasthan, Jaipur]
(xxxviii)	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. 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.	➤ 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. ☐ 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. ☐ 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. [MoTA's letter No. 23011/28/2008-SG-II(FRA) dated 1.9.2011, addressed to Government of Orissa, Bhubaneswar]
(xxxix)	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	➤ 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. ☐ 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.

	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.	➤ 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. ☐ The Forest Rights Act, 2006, does not deal with de-notification of the forest land. [MoTA's letter No. 23011/28/2008-SG-II(FRA) dated 1.9.2011, addressed to Government of Madhya Pradesh, Bhopal]
(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.	➤ 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. ☐ 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. [MoTA's letter No. 23011/28/2008-SG-II(FRA) dated 1.9.2011, addressed to Government of Madhya Pradesh, Bhopal]

वी. किशोर चन्द्र देव
V. KISHORE CHANDRA DEO



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

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

28th 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, NTFP 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 : 12th 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, *tendu patta* 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,

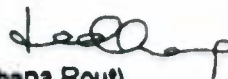
- Jd -

(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

Government of India
Ministry of Tribal Affairs

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.

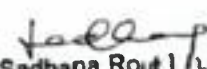
vi) Awareness-Raising, Monitoring and Grievance Redressal :

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 Committee, 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 6th 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 19th 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 (30) 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 1st 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 choose 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 (Usufactory 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 Forest 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 a 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 Govt. 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

RESOLUTION

NO – 4694-TD-II-3/2008 /SSD Dated, Bhubaneswar the 1st 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

- Ensure that the requisite information under clause (b) of rule-6 has been provided to Gram Sabha or Forest Rights Committee.
- 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;
- Consider and finally approve the claims and record of forest rights prepared by the Sub-Divisional Level Committee.
- Hear petitions from persons aggrieved by the orders of the Sub-Divisional Level Committee.
- Co-Ordinate with other districts regarding inter-district claims.
- Issue directions for incorporation of the forest rights in the relevant Government records including record of rights.
- Ensure publication of the record of the forest rights as may be finalized
- 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 15th 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 2/3rd 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 15th 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 ତା-୨୧.୭.୨୦୦୮

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,

ନିର୍ଦ୍ଦେଶକ୍ରମେ ମୁଁ କହିବାକୁ ଚାହେଁ ଯେ ପୁରୁଷାନ୍ତକ୍ରମେ 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 ବସସ୍ତୁକୀ 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 ବୁଝିପୁଣ୍ୟ ଅଟେ ।

ଜଙ୍ଗଲ ଅଧିକାର କ୍ଷମତା ପ୍ରଦାନ ନିମନ୍ତେ କଟୁରୁ ଏବଂ କାର୍ଯ୍ୟପଦ୍ଧି ଆଇନ୍ ତତ୍ପ୍ରଥ ପରିଚ୍ଛେଦରେ ବର୍ଣ୍ଣିତ ହୋଇଅଛି । ନିୟମାନୁଯାୟୀ ଗ୍ରାମସଭା ଜଙ୍ଗଲ ଅଧିକାରର ବୁଝିପୁ ଓ ପ୍ରକାର ଭେଦ ନିର୍ଦ୍ଧାରଣ ନିମନ୍ତେ ପ୍ରଥମେ କାର୍ଯ୍ୟପଦ୍ଧି ଆଇନ୍ କରିବେ ଏବଂ ସେ ସମ୍ପର୍କିତ ଅଭିଯୋଗ ବୁଝିବ ପ୍ରକଣ କରି ଶୁଣାଣି

କରିବେ । ଏଠାରେ ସୂଚିତ କରାଯାଏ ଯେ ଇନ୍ଦ୍ର ଆଇନ୍‌ରେ ଥିବା “ଗ୍ରାମସଭା”ର ଅର୍ଥ ଓଡ଼ିଶା ଗ୍ରାମ ପଞ୍ଚାୟତ ଆଇନ୍ ଧାରା “୬”ରେ ଥିବା “ପଲ୍ଲୀସଭା” ପ୍ରକାରେ ଦୁଇଟି 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 ବେଶରେ ୧୫ଜଣକୁ ନିର୍ବାଚିତ କରି “ଜଙ୍ଗଲ ଅଧିକାର କମିଟି” ନାମରେ ଏକ କମିଟି ଗଠନ କରିବେ । ଏହି କମିଟି ଏକଜି 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 ଉପକ୍ରମ ଗ୍ରହଣ 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 ସମ୍ପୃକ୍ତ ବିଭାଗୀୟ କର୍ତ୍ତୃପକ୍ଷ ଏବଂ ସାର୍ଥକ କର୍ତ୍ତୃତ/ଆଗ୍ରହୀ ସମ୍ପୃକ୍ତ ବ୍ୟକ୍ତି ବିଶେଷଙ୍କୁ ମଧ୍ୟ ଶୁଣିବାପାଇଁ ଯଥୋଚିତ ସୁଯୋଗ ପ୍ରଦାନ କରିବେ ଏବଂ ସମସ୍ତ ଶୁଣାଣି ପରେ ପଲ୍ଲୀସଭା ଦ୍ୱାରା ଗୃହୀତ ଅଭିଯୋଗ ଗୁଡ଼ିକ ଉପରେ ପ୍ରସ୍ତାବ ଗୃହୀତ ହେବ । ପଲ୍ଲୀସଭା ଦ୍ୱାରା ଗୃହୀତ ପ୍ରସ୍ତାବ ଗ୍ରାମ ପଞ୍ଚାୟତ ସମ୍ପାଦକଙ୍କ ମାଧ୍ୟମରେ ଉପକ୍ରମ ଗ୍ରହଣ ଜଙ୍ଗଲ ଅଧିକାର କମିଟିକୁ ବିଚାର ନିମନ୍ତେ ପଠାଇବେ । ପଲ୍ଲୀସଭା ମଧ୍ୟ ଅଭିଯୁକ୍ତମାନଙ୍କର ବିବରଣୀର ଏକ ରେକର୍ଡ୍‌ର ଖୋଲିବେ ଏବଂ ରେକର୍ଡ୍‌ରେ ଦର୍ଶାଉ କରାଯାଇଥିବା ଅଯୋଜିତା ଅନୁଯାୟୀ ପ୍ରସ୍ତୁତି କରି ତାକୁ ରଖିବେ ।

ଓଡ଼ିଶା ଗ୍ରାମ ପଞ୍ଚାୟତ ଆଇନ୍, ୧୯୬୪ର ଧାରା “୬”ରେ ଉଦ୍ଦିଷ୍ଟ ପଲ୍ଲୀସଭା ନିମନ୍ତେ କୋରମ୍ ବ୍ୟବସ୍ଥା ଯାହାକି ସମସ୍ତ ସଭ୍ୟ ଦ୍ୱ୍ୟାଧାର 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 ବିଶିଷ୍ଟ 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 ପ୍ରଜାତନ୍ତ୍ରିକ ହେବେ ଯଥା: ଡାକ୍ ମେମ୍ବରମାନଙ୍କୁ ଗ୍ରାମ ପଞ୍ଚାୟତରେ ଆଲୋଚନା ମାଧ୍ୟମରେ ଏହି ଆଇନର ଉପାଦେୟତା ସମ୍ପର୍କରେ ଅବଗତ କରାଇବେ । ଯଦୂରାଦି ଡାକ୍ ମେମ୍ବର ମାନେ ନିଜର ଡାକ୍ ଅବଗତ ଗ୍ରାମବାସୀମାନଙ୍କୁ ସଠିକ୍ ଦିଗ୍ ଦର୍ଶନ ଦେଇ ପାରିବେ । ଗ୍ରାମ ପଞ୍ଚାୟତ ନୋଟିସ୍ ବୋର୍ଡ୍‌ରେ ଆବେଦନ ଫର୍ମରେ ଅବିବକ୍ତ ଜଙ୍ଗଲ 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 ସମନ୍ତାୟ ସମସ୍ତ ସୂଚନା ଜିଲ୍ଲା ପଞ୍ଚାୟତ ଅଧିକାରୀଙ୍କୁ ପ୍ରେରଣ କରିବେ ।

ଏହି ଆଇନ୍ ନୂତନଭାବେ କାର୍ଯ୍ୟକାରୀ ହେଉଥିବାରୁ, ଗ୍ରାମ ପଞ୍ଚାୟତ ଏବଂ ପଲ୍ଲୀସଭା ଆଇନର ବିଭିନ୍ନ ଦିଗ୍ ଏବଂ ଏହି ଆଇନରେ ସେମାନଙ୍କ ଉପରେ ନ୍ୟସ୍ତ ଭୂମିକା ଓ ଦାୟିତ୍ବ ସମ୍ପର୍କରେ ସମ୍ପୂର୍ଣ୍ଣ ଅବଗତ ହେବା ଆବଶ୍ୟକ । ଏଥି ନିମନ୍ତେ ଅନୁସୂଚିତ ଜନଜାତି ଏବଂ ଅନୁସୂଚିତ ଜାତି ଉନ୍ନୟନ ବିଭାଗ ତାଙ୍କ ଚିଠି ଫର୍ମ୍ - ୬୧୮୨ ତା ୧୫.୨.୨୦୦୮ ରିଖରେ, ଗ୍ରାମ ପଞ୍ଚାୟତ ଏବଂ ପଲ୍ଲୀସଭା ପାଇଁ ଆବଶ୍ୟକ ଆଇନ୍ ଓ ନିୟମ ପୁସ୍ତିକା ଯୋଗାଇ ଦେବାପାଇଁ ଜିଲ୍ଲାପାଳମାନଙ୍କୁ ନିର୍ଦ୍ଦେଶ ଦେଇଅଛନ୍ତି । ଆଇନ୍ ଏବଂ ନିୟମରେ ଥିବା କାର୍ଯ୍ୟକାରୀତାକୁ ଦୃଢ଼ୀକୃତ କରିବା ନିମନ୍ତେ ଭାରତ ସରକାର ସମଗ୍ର ଦେଶରେ ତା ୨୮.୨.୨୦୦୮ ରିଖରେ ଏହା ସମନ୍ତାୟ ପଲ୍ଲୀସଭା ମାନ ଅନୁଷ୍ଠିତ କରିବା ପାଇଁ ପ୍ରସ୍ତାବ ଜାରି କରିଅଛନ୍ତି । ତେଣୁ ଆମ ରାଜ୍ୟରେ ଉକ୍ତ ଦିନ ସଚେତନାବେ 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,
ଜମିନ୍ଦାର ତଥା ଶାସନ ସଚିବ,
ପଞ୍ଚାୟତି ରାଜ ବିଭାଗ

ସ୍ଥାପକ ଫର୍ମ୍ ୮୫୦୫/ ପି.ଆର୍. ତା - ୨୧.୨.୨୦୦୮

ଏହାର ଏକକିତା ନବଳ 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 ନବଳ ଦୂରତ ପ୍ରେରଣ କରିବାକୁ ଅନୁରୋଧ ।

ଉଦାହୃ ନାଥ ଦାଶ,
ଜମିଶନର ତଥା ଶାସନ ସଚିବ,

ସାପକ ସଂଖ୍ୟା ୮୫୦୭/ ପି.ଆର୍. ତା - ୨୧.୭.୨୦୦୮

ଏହାର ଏକକିତା ନବଳ ଶାସନ ସଚିବ, ଅନୁସୂଚିତ ଜନଜାତି ଓ ଅନୁସୂଚିତ ଜନଜାତି ଉନ୍ନୟନ ବିଭାଗ/ରାଜସ୍ୱ ଓ ବିପର୍ଯ୍ୟୟ ପରିଚାଳନା ବିଭାଗ/ଜଙ୍ଗଲ ଓ ପରିବେଶ ବିଭାଗ/ସମସ୍ତ ରାଜସ୍ୱ ଡିଭିଜନାଲ ଜମିଶନର ମାନଙ୍କ ଅବଗତ ଓ ବିହିତ କାର୍ଯ୍ୟାନୁଷ୍ଠାନ ପାଇଁ ପ୍ରେରଣ କରାଗଲା ।

ଉଦାହୃ ନାଥ ଦାଶ,
ଜମିଶନର 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 2.2.2008 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.

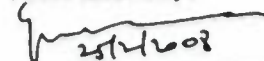
4. You may note that the rights recognized under the Act are not only land rights, but various specified rights as at Section 3(1)(a) to (m). As these rights are recognized without any encumbrances as required under Section-4(7) of the Act, it is imperative that all the Gram Sabha/Forest Rights Committees 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 Palli Sabha/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,



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

ଓଡ଼ିଆ ସରକାର ପଞ୍ଚାୟତି ରାଜ ବିଭାଗ

ନଂ. ୯୧୫୩/ପି.ଆର. ତା ୨୭/୦୭/୨୦୦୮

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 ଆଇନ 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 ସଂଖ୍ୟା-୬୧୮୨ ତା ୧୫-୦୭-୨୦୦୮ ରିଖ୍ରେ ସମସ୍ତ ବିଷୟ ଉଲ୍ଲେଖ କରିଅଛନ୍ତି । ତାହାର ଏକ ନକଲ ଏଥିସହ ଫାଇଲ୍ କରାଗଲା । ଏହା ମଧ୍ୟ ପଞ୍ଚାୟତିରାଜ ବିଭାଗ ଡେପ୍ ସାଇରରେ ଉପଲବ୍ଧ ଅଟେ ।

ଉକ୍ତ ଆଇନରେ ଥିବା ବ୍ୟବସ୍ଥାନୁଯାୟୀ ପ୍ରତ୍ୟେକ ପଞ୍ଚାୟତ ଆଇନର ବିଭିନ୍ନ ବ୍ୟବସ୍ଥା ସମ୍ପର୍କରେ ପଲ୍ଲୀବାସୀଙ୍କୁ ଅବଗତ କରାଇ “ଜଙ୍ଗଲ ଅଧିକାର କମିଟି” ଚୟନ ନିମନ୍ତେ ପ୍ରତ୍ରିୟା ଶେଷ କରିବା ପାଇଁ ପଲ୍ଲୀସଭାମାନଙ୍କୁ ଅନୁକ୍ଷିତ କରିବା ଆବଶ୍ୟକ ହେଉଅଛି । ଏଥି ନିମନ୍ତେ ରାଜ୍ୟ ସରକାର ରାଜ୍ୟର ସମସ୍ତ ପଞ୍ଚାୟତରେ ଦୁଇଟି ପର୍ଯ୍ୟାୟରେ ତା ୧୬.୦୩.୨୦୦୮ ଏବଂ ତା ୨୩.୦୩.୨୦୦୮ ରିଖ୍ରେ ଏହି ପଲ୍ଲୀସଭାମାନଙ୍କୁ ଅନୁକ୍ଷିତ କରିବା ପାଇଁ ଦିନ ଧାର୍ଯ୍ୟ କରିଅଛନ୍ତି । ଦୂର ଅଧିକରେ ଥିବା କେଉଁ କେଉଁ

ପଞ୍ଚାୟତରେ କେଉଁ କେଉଁ ଦିନ ପଲ୍ଲୀସଭା ଅନୁଷ୍ଠିତ କରାଯିବ ତାହାର ଏକ କାର୍ଯ୍ୟସୂଚୀ ତା
୦୧/୦୩/୨୦୮ରିଖ ସୁଦ୍ଧା ତୁଚ୍ଚାତ କରିବା ପାଇଁ ମନ୍ତ୍ରଣ ଉନ୍ନୟନ ଅଧିକାରୀଙ୍କୁ ଆବଶ୍ୟକୀୟ ନିର୍ଦ୍ଦେଶ
ଦିଆଯାଇଅଛି ।

ଏଥି ନିମନ୍ତେ ମନ୍ତ୍ରଣ ଉନ୍ନୟନ ଅଧିକାରୀଙ୍କ ସହ ଯୋଗାଯୋଗ କରି ପଞ୍ଚାୟତ ଅନ୍ତର୍ଗତ ପଲ୍ଲୀ
ମାନଙ୍କରେ ନିର୍ଦ୍ଧାରିତ ପଲ୍ଲୀସଭା ଦିବସରେ ଅନୁଷ୍ଠିତ କରିବାପାଇଁ ୧୫ ଦିନ ପୂର୍ବରୁ ନୋଟିସ୍ ଜାରି
କରାବୁ ।

ଉକ୍ତ କାର୍ଯ୍ୟପାଇଁ ଏବଂ ପଞ୍ଚାୟତ ମାନଙ୍କର ସୁବିଧା ନିମନ୍ତେ ପଲ୍ଲୀସଭା ତାରିଖ ନୋଟିସ୍,
ପଲ୍ଲୀସଭାର ବିବରଣୀ ଓ ଜଙ୍ଗଲ ଅଧିକାର କମିଟିର ସଭାର ନମୁନା ଏଥି ସହ ଫଳସ୍ତ୍ର କରାଗଲା ।

ପଲ୍ଲୀସଭାମାନଙ୍କରେ ଯେପରି ପଲ୍ଲୀର ଦୁଇ ତୃତୀୟାଂଶରୁ ଅଧିକ ସଭ୍ୟ ଏବଂ ବହୁଜନାଙ୍କରେ
ଆଦିବାସୀ ଓ ମହିଳାମାନେ ଯୋଗ ଦିଅନ୍ତି ସେଥିପ୍ରତି ସରପଞ୍ଚମାନେ ଯତ୍ନବାନ ହେବେ ।

ଏ ସମ୍ବନ୍ଧରେ ପଞ୍ଚାୟତିରାଜ ବିଭାଗରୁ ଆଜି ପର୍ଯ୍ୟନ୍ତ ଯେତେ ନିର୍ଦ୍ଦେଶନାମା ଇଟ୍ୟାଦି ଜାରି
କରାଯାଇଛି ତାହାକୁ ବାତିଲ କରାଗଲା ।

ଆପଣଙ୍କ ବିଶ୍ୱସ୍ତ
ଶ୍ରୀପଦ ସଚିବ, ପଞ୍ଚାୟତିରାଜ ବିଭାଗ

ସ୍ଥାପକ ସଂଖ୍ୟା-୯୧୫୪/ପି.ଆର୍.ତା ୨୭/୦୭/୨୦୦୮

ଏହାର ଏକ ନକଲ ହରିଜନ ଓ ଆଦିବାସୀ ଉନ୍ନୟନ ବିଭାଗ / ରାଜସ୍ୱ ଏବଂ ବିପର୍ଯ୍ୟୟ ପ୍ରଶମନ ବିଭାଗ
ଏବଂ ଜଙ୍ଗଲ ଓ ପରିବେଶ ବିଭାଗର ଅବଗତି ନିମନ୍ତେ ପ୍ରେରଣ କରାଗଲା ।

ନିର୍ଦ୍ଦେଶକ, ପଞ୍ଚାୟତିରାଜ

ସ୍ଥାପକ ସଂଖ୍ୟା-୯୧୫୫/ପି.ଆର୍.ତା ୨୭/୦୭/୨୦୦୮

ଏହାର ଏକ ନକଲ ସମସ୍ତ ଜିଲ୍ଲାପାଳ ମାନଙ୍କର ଅବଗତି ଏବଂ ବିଚିତ କାର୍ଯ୍ୟାନୁଷ୍ଠାନ ନିମନ୍ତେ ପ୍ରେରଣ
କରାଗଲା ।

ନିର୍ଦ୍ଦେଶକ, ପଞ୍ଚାୟତିରାଜ

ସ୍ଥାପକ ସଂଖ୍ୟା-୯୧୫୬/ପି.ଆର୍.ତା ୨୭/୦୭/୨୦୦୮

ଏହାର ଏକକିତା ନକଲ ସମସ୍ତ ଜିଲ୍ଲା ଉନ୍ନୟନ ସଂସ୍ଥାର ପ୍ରକୃତ ନିର୍ଦ୍ଦେଶକ / ଜିଲ୍ଲା ପଞ୍ଚାୟତ
ଅଧିକାରୀମାନଙ୍କ ଅବଗତି ଏବଂ ବିହିତ କାର୍ଯ୍ୟାନୁଷ୍ଠାନ ନିମନ୍ତେ ପ୍ରେରଣ କରାଗଲା ।

ନିର୍ଦ୍ଦେଶକ, ପଞ୍ଚାୟତିରାଜ

ସ୍ଥାପନ ସଂଖ୍ୟା-୯୧୫୭/ପି.ଆର୍. ତା ୨୬/୦୭/୨୦୦୮

ଏହାର ଏକ ନକଲ ସମସ୍ତ ମଣ୍ଡଳ ଉନ୍ନୟନ ଅଧିକାରୀଙ୍କର ଅବଗତି ଏବଂ ବିହିତ କାର୍ଯ୍ୟାନୁଷ୍ଠାନ ନିମନ୍ତେ
ପ୍ରେରଣ କରାଗଲା ।

୨. ସମସ୍ତ ମଣ୍ଡଳ ଉନ୍ନୟନ ଅଧିକାରୀଙ୍କୁ ଏତଦ୍ୱାରା ନିର୍ଦ୍ଦେଶ ଦିଆଯାଉଅଛି ଯେ ସେମାନେ ନିଜ
ବୁକ ଅଭିର୍ଭିତ କେଉଁ କେଉଁ ପଞ୍ଚାୟତରେ ୧୬ ଜିଲ୍ଲା ୨୩ ମାର୍ଚ୍ଚ ୨୦୦୮ ଖିଲାରେ ପଲ୍ଲୀସଭା ଅନୁଷ୍ଠିତ
ହେବ ତାହାର ଏକ କାର୍ଯ୍ୟସୂଚୀ ଧାର୍ଯ୍ୟକରି ସରପଞ୍ଚମାନଙ୍କୁ ତା ୨୯-୦୭-୨୦୦୮ ଖିଲା ପୂର୍ବରୁ
ଜଣାଇବେ ଏବଂ ଉକ୍ତ କାର୍ଯ୍ୟ ସୂଚୀର ନକଲ ଉପଜିଲ୍ଲାପାଳ, ଜିଲ୍ଲାପାଳ ଏବଂ ଜିଲ୍ଲା ପ୍ରକୃତ
ଅଧିକାରୀମାନଙ୍କର ଗୋଚରାର୍ଥେ ଜଣାଇବେ ଏବଂ ପଲ୍ଲୀସଭାରେ ବୁକ ଚରଫରୁ ଅଧିକର ତଥା
ସ୍ଥାନସେବକ ମାନଙ୍କର ତାଲିକା ପ୍ରସ୍ତୁତ କରି ପଲ୍ଲୀସଭାରେ ଯୋଗଦେବା ପାଇଁ ଆବଶ୍ୟକୀୟ ନିର୍ଦ୍ଦେଶ
ପ୍ରଦାନ କରିବେ । ଏହି ସଭାରେ ଜଙ୍ଗଲ ଓ ପରିବେଶ ବିଭାଗ, ଜନଜାତି ଉନ୍ନୟନ ବିଭାଗ ଓ ରାଜସ୍ୱ
ବିଭାଗର ସ୍ଥାନୀୟ ଅଧିକାରୀମାନେ ଯୋଗଦେଇ ଉପରୋକ୍ତ ଧାର୍ଯ୍ୟ ଦିନରେ ପଲ୍ଲୀସଭାର ସଦସ୍ୟମାନଙ୍କୁ
ଉକ୍ତ ଆଇନ ସମ୍ବନ୍ଧରେ ସଚେତନ କରାଇବାପାଇଁ ବ୍ୟବସ୍ଥା କରିବେ ।

ନୋଟିସ୍

ଏତଦ୍ୱାରା ଜଣାଇ ଦିଆଯାଉଛି ଯେ ତା.....ରିଖ ଦିନ ନିମ୍ନଲିଖିତ
ବିଷୟ ଆଲୋଚନା ଏବଂ ପ୍ରସାର ନିମନ୍ତେ ପକ୍ଷରେ ପକ୍ଷାପକ୍ଷ ଅନୁଷ୍ଠିତ
ହେବ । ଏହି ନିମନ୍ତେ ସମସ୍ତ ପକ୍ଷାପକ୍ଷକୁ 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 ବିବରଣୀର ନମୁନା

ଅବଧି ତା.....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 ସାକ୍ଷ୍ୟ) ଆଇନ୍ - ୨୦୦୬ ଏବଂ ଚତୁର୍ଥ (ଜଙ୍ଗଲ ଅଧିକାର ସିକ୍ସ୍‌ଥ ନିୟମ ୨୦୦୬ରେ ଥିବା ବିଭିନ୍ନ ବ୍ୟବସ୍ଥା ସଂପର୍କରେ ସବିଶେଷ ଆଲୋଚନା କରିଥିଲେ । ଉକ୍ତ ଆଇନ୍‌ର 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 ସାଫ୍ଟଜନିତ ବ୍ୟକ୍ତିମାନେ ସେମାନଙ୍କର ଏହି ଅଧିକାର ନିମନ୍ତେ ଦାବୀମାନ ଆଜିଠାରୁ ଆସନ୍ତା ଦିନିମାସ ମଧ୍ୟରେ ଜଙ୍ଗଲ ଅଧିକାର କମିଟି ନିକଟରେ ଦାଖଲ କରିବା ପାଇଁ ପ୍ରିରାଜ୍ଞତ ହେଲା । ଏବଂ ଉକ୍ତ ଦାବୀ ଉପରେ ଆନୁସଂଗିକ ବିଚାର ଓ କାର୍ଯ୍ୟାନୁଷ୍ଠାନ ନିମନ୍ତେ ଜଙ୍ଗଲ ଅଧିକାର କମିଟିକୁ କ୍ଷମତାପନ୍ନ 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 ନିଶ୍ଚିତ ନିଆଗଲା ।

କ୍ର. ସଂଖ୍ୟା	ଉପସ୍ଥିତ ସଭ୍ୟ/ସଭ୍ୟାଙ୍କର ନାମ	ସାକ୍ଷର
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ସ୍ଥାପକ ସଂଖ୍ୟା

/ ତା:

ଏହାର ଏକକିତା ନକଲ ଉପଖଣ୍ଡସ୍ଵରାୟ ଜଙ୍ଗଲ ଅଧିକାର କମିଟି ନିକଟକୁ ପଠାଇବା ପାଇଁ
 ଗ୍ରାମପଞ୍ଚାୟତ ସେକ୍ରେଟାରୀଙ୍କୁ / ପଞ୍ଚାୟତ ନିର୍ବାହୀ ଅଧିକାରୀଙ୍କ ଅବଗତି ଓ ବିହିତ କାର୍ଯ୍ୟାନୁଷ୍ଠାନ ନିମନ୍ତେ
 ପ୍ରେରଣ କରାଗଲା ।

ସେକ୍ରେଟାରୀ ଜଙ୍ଗଲ ଅଧିକାର କମିଟି

ସ୍ଥାପକ ସଂଖ୍ୟା

/ ତା:

ଏହାର ଏକକିତା ନକଲ ମଣ୍ଡଳ ଅଧିକାରୀ/ ଉପଜିଲ୍ଲାପାଳ/ ଏବଂ ଜିଲ୍ଲାପାଳଙ୍କ ଅବଗତି ଓ ବିହିତ
 କାର୍ଯ୍ୟାନୁଷ୍ଠାନ ନିମନ୍ତେ ପ୍ରେରଣ କରାଗଲା ।

ସେକ୍ରେଟାରୀ ଜଙ୍ଗଲ ଅଧିକାର କମିଟି

Government of Orissa
Panchayati Raj Department

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 16th & 23rd 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 30th 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 30th 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 5th 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 30th 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**

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. 20th 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 3rd 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 15th 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 2nd /3rd 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 th Nov.2008 from 11 AM. Onwards
Cuttack	For the officers of Central - Division	On 14 th Nov. 2008 from 12 Noon onwards
Sambalpur	For the officers of Northern-Division	on 17 th 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	1181	-	-	100%
4	BHADRAK	7	193	1248	-	1248	1248	1248	-	-	100%
5	BOLANGIR	14	285	1753	-	1753	1752	1752	1	dispute	99.94%
6	BOUDH	3	63	1162	-	1162	850	850	312	-	73%
7	CUTTACK	14	342	1857	-	1857	1244	1244	631	quorum	67%
8	DEOGARH	3	60	803	152	651	644	644	7	dispute	99%
9	DHENKANAL	8	199	1030	-	1030	932	932	98	-	90.48%
10	GAJAPATI	7	129	1543	81	1462	1456	1456	6	Dispute	99.61%
11	GANJAM	22	475	2831	-	2831	2629	2629	202	-	92.86%
12	JAGATSINGHPUR	8	194	1291	61	1230	1211	1211	19	-	98%
13	JAJPUR	10	280	1575	4	1571	1576	1567	4	Dispute	99.74%
14	JHARSUGUDA	5	78	335	3	332	332	332	-	-	100%
15	KALAHANDI	13	273	2100	-	2100	2100	2100	-	-	100%
16	KANDHAMAL	12	153	2306	-	2306	2280	2280	26	-	98.87%
17	KENDRAPARA	9	230	1411	-	1411	1010	1010	401	-	71.58%
18	KEONJHAR	13	286	2037	28	2009	1729	1727	282	quorum	86%
19	KHURDA	10	168	1342	-	1342	1035	1035	307	-	77%
20	KORAPUT	14	226	1864	-	1864	1691	1691	173	-	90.71%
21	MALKANGIR	7	108	901	-	901	896	896	5	Nuxal	99%
22	MAYURBHANJ	26	382	3736	-	3736	3736	3736	-	-	100%
23	NAYAGARH	8	179	1514	-	1514	1199	1199	315	-	79%
24	NAWARANGPUR	10	169	867	-	867	867	867	-	-	100%
25	NUAPADA	5	109	645	-	645	645	642	3	QURUM	100%
26	PURI	11	230	1613	-	1613	1613	1613	-	-	100%
27	RAYAGADA	11	171	2577	111	2466	2466	2466	-	-	100%
28	SAMBALPUR	9	148	1222	-	1222	979	979	243	-	80%
29	SONEPUR	6	96	900	-	900	900	900	-	-	100%
30	SUNDARGARH	17	262	1701	22	2001679	1672	1672	7	-	99.58%
	TOTAL	314	6234	47710	501	47227	44137	44134	3093	-	93.48%