

**GOVT. OF ORISSA
ST & SC DEVELOPMENT DEPARTMENT**

No. 39223 /SSD, the Bhubaneswar, Dt. 11.11.08
TD-I-SP-105/08

From

Shri G.S.S. Patra, OFS (I)(SB)
FA-cum-Joint. Secy. to Govt.

To

The Accountant General (A & E), Orissa, Bhubaneswar

Sub: Sanction of Grants-in-aid in favour of PA, ITDAs/ PD, DRDAs concerned under 1st proviso to Article 275(1) of the Constitution during the year 2008-09 for implementation of Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Right) Act, 2006 (2 of 2007) (Central Assistance for State Plan).

Sir,

I am directed to convey the sanction of Governor to sum of Rs.2,26,82,000/- (Rupees two Crore Twentysix Lakh Eightytwo thousand) only as grants-in-aid in favour of PA, ITDA/PD,DRDA concerned as per the statement enclosed out of Central Assistance for State Plan under 1st proviso to Article 275(1) of the Constitution of India during 2008-09 for implementation of Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (2 of 2007) with following conditions.

- (i) The amount shall be utilized for
 - (a) Purchase of GPS and other survey instruments.
 - (b) Preparation of maps of villages and lands.
 - (c) Hiring of technical persons like RIs & Amins @ Rs.3, 500/- per month by Revenue and Forest Deptt. Officials.
 - (d) Purchase of stationery including printing of forms as required under the Act.
 - (e) Awareness and training programme and other miscellaneous nature of expenditure.
- (ii) No TA/DA shall be allowed to the Govt. Staff under the programme.
- (iii) Detail expenditure be maintained for audit.
- (iv) Funds shall be released by the PA., ITDAs / PD, DRDAs to the concerned executing agencies i.e. Forest & Environment Deptt. and Revenue and Disaster Management Deptt.'s Offices on the basis of specific proposals received from them.
- (v) In the Non-ITDA districts, DWOs shall be consulted while release of funds by PD, DRDAs.
- (vi) Approval of respective Collectors shall be taken before release of funds

- (vii) All concerned PA., ITDAs/PD, DRDAs shall furnish their monthly expenditure/ progress report to ST & SC Development Department.
- (viii) The charge is debitable to the appropriate units under "Demand No.11-2225- Welfare of SCs, STs & OBCs-State Plan-State Sector -02-Welfare of STs -794-SCA for TASP-0222- Creation of infrastructure in TSP area under 1st proviso of Article 275(1) of the Constitution of India- 41078-Grants-in-aid (Voted in the Budget Estimate for the Year 2008-09).
- (ix) The PA., ITDAs/PD, DRDAs concerned will prepare the bill in the OTC Form No. 40 and present the same for countersignature of Collectors concerned as per SR-350 & 351 of OTC- Vol-I. The amount will be drawn from the Treasury on or before 31.3.2009.
- (x) Utilization certificate in triplicate duly countersigned by the Collector concerned in the prescribed form in OGFR-7A (See Rule -172) and audit reports should be furnished to the ST & SC Development Deptt. By 30.6.2009 for onward transmission of the same to A.G Orissa and Ministry of Tribal Affairs, Govt. of India, New Delhi.
- (xi) The account shall be audited by the Staff of ST & SC Development Deptt. Besides this, the account should be kept open for audit by the audit party of A.G. Orissa as and when required. The Administrative Deptt. resolves every right to inspect the accounts through their officers and called for any report on the project and it shall be obligatory on the part of the agency to furnish such report within the time specified.
- (xii) The grantee is to furnish monthly progress report on execution of the project regularly to Government.
- (xiii) The grantee shall maintain separate account for the amount sanctioned. No diversion of fund is allowed.
- (xiv) The Director (ST/SC)-cum-Addl. Secretary will be the Controlling Officer and the ST & SC Development Deptt. will be the Administrative Deptt. in respect of the above expenditure.
- (xv) The PA, ITDAs / PD, DRDAs concerned is the Drawing an Disbursing Officer in respect of the above expenditure.
- (xvi) No authority slip will be necessary for the drawl of the bill. The Funds will be utilized by 31.3.2009 and balance if any remains unspent beyond the specified period shall be intimated to this Deptt. with reasons thereof for further instruction.
- (xvii)The grantee shall enclose with the bill an undertaking in token of acceptance of the terms and conditions laid down in the sanction order.

Yours faithfully,

Sd/-

FA-cum-Jt. Secy. to Govt. of Orissa

F.No.7-1/2008-FP
Government of India
Ministry of Environment & Forests
FP- Division

Paryavaran Bhawan,
CGO Complex, Lodhi Road,
New Delhi -110003

Dated: 18.11.2008

To

The Secretary (Forests)
All States/ UT Governments

Sub: Monitoring formats for Implementation of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.

Sir,

Kindly refer to this Ministry letter of even no. dated 08.10.2008. The monitoring formats have been put on the Ministry website i.e. <http://envfor.nic.in> in the slot of Forest Policy Division.

The return can be submitted through e-mail also i.e. aig_rtdiv@yahoo.com. Please ensure to send the first quarterly report immediately.

Yours faithfully,


(Rajan Sehgal)

Sr. Assistant Inspector General of Forests
Tele Fax No.011-24363970

Copy to:-

- Principal Chief Conservator of Forests of All States/ UT Governments.
- 2 Chief Wildlife Wardens of All States/ UT Governments.

Quarterly Report As On _____

Annexure - I (A)

THE SCHEDULED TRIBES AND OTHER TRADITIONAL FOREST DWELLERS (RECOGNITION OF FOREST RIGHTS) ACT, 2006
IMPLEMENTATION SHEET - CRITICAL WILDLIFE HABITATS

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)
Sl.No	Name of the State/UTs	Constitution of State Level Committees	1st Consultation for each Protected Area	2nd Consultation for each Protected Area	3rd Consultation with each Protected Area	Final recommendation of State Level Committee	If decided for relocation, identification of alternative site(s) for relocation	Number of villages to be relocated	Recognition of Rights completed or not	Final recommendation on forestland to Central level Committee	Issue of Notification by MoEF	Remarks
			(Whenever required if area large)									
1	Andhra Pradesh											
2	Arundhachal Pradesh											
3	Assam											
4	Bihar											
5	Chhattisgarh											
6	Goa											
7	Gujarat											
8	Haryana											
9	Himachal Pradesh											
10	Jharkhand											
11	Jammu & Kashmir											
12	Karnataka											
13	Kerala											
14	Madhya Pradesh											
15	Maharashtra											
16	Manipur											
17	Meghalaya											
18	Mizoram											
19	Nagaland											
20	Orissa											
21	Punjab											
22	Rajasthan											
23	Sikkim											
24	Tamil Nadu											
25	Tripura											
26	Uttar Pradesh											
27	Uttaranchal											
28	West Bengal											
29	Andaman & Nicobar Islands											
30	Dadar & Nagar Haveli											
31	Chandigarh											
32	NCT of Delhi											
33	Lakshadweep											
34	Daman & Diu											

Indicates State level Committees constituted
 Ministry has nominated member to oversee the implementation of the Act.

ANNEXURE I

THE SCHEDULED TRIBES & OTHER TRADITIONAL DWELLERS (RECOGNITION OF FOREST RIGHTS) ACT, 2006 IMPLEMENTATION SHEET - FC ACT PERMISSIONS

Sl.No	Name of the State/UTs	Resolution passed by GS for requirement of forest land for infrastructural facilities under Section 2 (3) of the Act, 2006			Permissions given by DFO under Section 2(2) of Rights Act, for infrastructural facilities			Conversion of forest villages into Revenue Villages		
		No. of villages/PTCs	No. of cases	Area required	No. of villages/PTCs	No. of cases	Area diverted (Ha.)	No. of forest settlements	No. of resolution passed	No. of settlements converted into revenue villages after necessary permissions
1	Andhra Pradesh									
2	Arundhachal Pradesh									
3	Assam									
4	Bihar									
5	Chhattisgarh									
6	Goa									
7	Gujarat									
8	Haryana									
9	Himachal Pradesh									
10	Jharkhand									
11	Jammu & Kashmir									
12	Karnataka									
13	Kerala									
14	Madhya Pradesh									
15	Maharashtra									
16	Manipur									
17	Meghalaya									
18	Mizoram									
19	Nagaland									
20	Orissa									

GOVERNMENT OF ORISSA
ST & SC DEVELOPMENT DEPARTMENT

No. **40873** SSI Dated: Bhubaneswar the. **21.11.08**
FD-11-11-08

From:
Sri Pradipta Kumar Das
Under Secretary to Government

To:

1. All Collectors & Chairman, District Level (Forest Rights) Committee
2. All Sub-Collectors & Chairman, Sub-Divisional Level (Forest Rights) Committee
3. All Project Administrators, IDAs
4. All PD, DRDAs (Non-Scheduled area districts)
5. All DWOs

Sub: Frequently asked questions on implementation of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 and their replies.

Sir Madam,

I am directed to send herewith a set of frequently asked questions on implementation of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 and their replies for favour of your information and guidance. The set of questions and replies may please be used for clarifying the beneficiaries/claimants, Officials & Non-Officials concerned with the implementation of the Act.

Yours faithfully,

(Sd/-)
Under Secretary to Government

FREQUENTLY ASKED QUESTIONS

1. *Does the Act not have the danger of destroying our forests and environment?*

—> Definitely not. We need to see that even in the earlier framework of Forest Conservation Act, there were provisions and procedures for regularising old habitations. The earlier framework did not have express scope for participation of the people. The present Act mandates that Gram Sabha (i.e. Palli Sabha in Orissa context) is the authority to initiate and decide the claims. The cut-off date was earlier fixed as 25/10/1980. It is now 13/12/2005 for members of the Scheduled Tribes and 13/12/1930 for other traditional forest dwellers. The Act only recognises existing occupations; it does not envisage fresh destruction of forest. It seeks basically to recognise *de jure* the already existing *de facto* position on the ground. Therefore there is no danger really to the forests. Deforestation is mostly due to commercial interests and not due to bona fide livelihood requirements of the poor people. We must see that by having the ordinary people living legitimately in the forest areas on our side, the forest machinery can do a better enforcement work. They can get better intelligence about the movement and activities of the timber mafia. Therefore, sincere implementation of the Act will protect the forests and our environment.

2. *In some cases, the palli sabha could not meet on 16/3/2008 or on 23/3/2008. Can they meet now, decide FRC and start the process?*

—> Yes, certainly. The Act does not prescribe any dates for holding the Palli Sabha meetings. Whenever required, it can be done. It must be noted that the initial time permitted as per Rule 11 (1) (a) for the claims to be made before the palli sabha is three months. But the same rule has a proviso to the effect that the palli sabha can extend this period for reasons to be recorded in writing.

3. *How will the Palli Sabha get the information on progress of their recommendations made to Sub-Divisional Committee?*

—> An authenticated copy of the proceedings of SDLC meeting should be given to the Palli Sabha/Gram Sabha so that they can know about the recommendations of the SDLC. As the Palli Sabha has no Secretariat of its own, the concerned Extension Officer or the Secretary of the Gram Panchayat should be the custodian of the documents, who is required to take steps for holding the meetings of the Palli Sabha to apprise them about the documents received from the SDLC.

4. *Is the caste certificate mandatory to accompany every claim under the Act?*

—> Form A in the Annexure I stipulates for individual claims in respect of members of Scheduled Tribes that the authenticated copy of the certificate should be attached. This matter

was discussed in the SLMC meeting on 24/10/2008 and the decision communicated in Revenue Department letter No. 47923 dated 12/11/2008. The Palli Sabha, with two-third or more presence, can pass a resolution affirming the names of members of ST and that can be accepted by the SDLC and DLC. However, if SDLC or DLC has reasons to re-verify, they can get it done through the concerned Tehsildar in doubtful cases.

5. *Is there a stay order by Hon'ble High Court on the implementation of the Act?*

—> It is true that there is an interim order of Hon'ble High Court barring issue of final patta (title as per the Act) and barring felling of trees, particularly in Reserve Forest/Protected Forest/Wildlife sanctuary areas. The State Government is taking steps to make appropriate prayer to get the interim order vacated. However, for all other steps in the Act, there is no bar and each one of them must go on. The steps include holding the first meeting of the Palli Sabha for electing members of the FRC, the FRC receiving the individual as well as community claims, FRC verifying the claims and recommending to the Palli Sabha, holding second meeting of the Palli Sabha to make recommendations to SDLC, holding SDLC meetings and finally holding DLC meetings. On all these steps, there is no stay order. The District Level Committee should finalise and dispose of the claims within the stipulated period so that the documents conveying the rights of the claimant duly approved by the DLC could be handed over as soon as the litigation pending in the High Court is decided or leave of the Court is received.

6. *Can any Government Officer take a stand that because of the stay order, the work cannot progress further?*

—> Any delay or negligent action on part of any Government officer of any Department will mean offence under the Act. The State Government will not hesitate to invoke provisions of Section 7 of this Act, which involves fine of Rs 1000 as well as disciplinary proceedings.

7. *It has just been ordered to procure GPS equipments. How can maps be prepared without GPS instruments?*

—> The use of GPS equipments is a welcome step, which will help in long term objectives of preparing error-free digitised maps in both revenue lands as well forest lands. Definitely the degree of accuracy can be better if GPS equipment is used, which will give the latitude, longitude and the altitude of any given point using simultaneous reading of four geo-synchronous satellites. This is especially true if Total Station Method is used for survey. However, we need to see that we do not require 100 % precision, which may be essential for launching a missile or for other space applications. For implementation of this Act, usage of GPS devices is not mandatory. The title for individual land as well as for community forest rights, as per Annexure II and III of the rules, requires the extent of the area and 'description of boundaries by prominent land marks including Khata No/Plot No.'. Thus preparation of an error-free pucca map is not required under this Act. However, for practical reasons and to see the need to enhance the capability of the law enforcement machinery to deal with land disputes, if any, in future, it is necessary to prepare the maps to the best of our ability using traditional methods. The SDLC can adopt the basic checks to see that (a) the individual land parcels do not overlap or that same portion of any land is not shown to two or more individual claimants and (b) the sum of individual or community lands in a village, for which title is being

recommended, will not exceed the total geographical area of the village. Therefore, any delay with the excuse of procurement of GPS for implementation of this Act will not be accepted.

8. *The maps at the field level are not available. What can be done?*

—> If revenue land is involved, the maps can be obtained by placing indent with Joint Director, Survey and Map Publications, Jobra, Cuttak under intimation to DLRS, Board of Revenue. However, even for such lands, the trace map of the existing working copy available at the Tehsil office should suffice the work at the SDLC level for this Act. In respect of forest land, the scale of their maps is very small i.e. 1: 50,000 because traditionally large areas of forest blocks were envisaged and small habitations were not considered. In such cases also, it should not be difficult to prepare the rough maps by indicating the landmarks and other essential data, to fulfil the requirements of this Act. It needs to be seen that for booking forest encroachment cases, the forest machinery has been using rough maps in the past. The same maps can be used even now for examining the claims under this Act. For reducing the valid claims into the form of a rough map, the services of retired RIs and Amins can be utilised, apart from the existing RIs and Amins. The Collectors may also review the available manpower in terms of JC staff from the Settlement and Consolidation organisations, who have been placed with the Collectors by the DLRS.

9. *What about forest habitations not coming within any revenue village?*

—> Revenue Department has made available to each of the Collectors the data of forest villages as per 2001 Census. Each of these habitations, even without enabling notification by Panchayati Raj Department, can serve the purpose of the Act, as per Section 2 (g) read with 2(p) (iii) of the Act. Therefore, village assembly meetings of such habitations will also have the same legal validity as Pali Sabha for all practical purposes. However, Panchayati Raj Department is going to issue a detailed notification in this regard very soon.

10. *Should the work for second stage clearance of identified Pre-1980 habitations under Forest Conservation Act continue?*

—> Government have made the necessary budget provision and deposited the required amount in pursuance of the Supreme Court clearance obtained for Orissa in the TN Godavarman case. Therefore, the work is in pipeline and hence it should be continued to its logical end without any further delay. The lease documents and other formalities under the Forest Conservation Act are distinct from those under this Act. This Act provides heritable, but non-transferrable rights. The dispensation under the Forest Rights Act is different.

11. *Can the SDLC entertain the claims solely based on the oral evidence?*

—> Rule 11 (1) read with Rule 13 requires at least two of the evidences out of the list of nine different categories provided. Rule 13 (i) makes provides for statement of elders, other than claimants, reduced in writing. We need to understand that the words "other than claimant" must be with reference to the particular plot in question. SDLC does not entertain individual or community claims. The job of the SDLC as per Rule 14 (5) is to consider the resolution of the Gram Sabha and pass appropriate orders, either accepting or rejecting it. As per Rule 13, oral evidence will be one of the permissible kinds of evidence. The Gram Sabha is required to see that at least one of the other evidences like physical attributes of a house, permanent improvements made to land including levelling, bunds etc., encroachment case records, traditional structures establishing antiquity like burial grounds, wells, sacred places, genealogy tracing ancestry to individuals mentioned in earlier land records or recognised as having been legitimate resident of the village at an earlier point of time etc.

12. Can the cut off date of 1930 be insisted on tribals who have migrated from another State?

—> The law does not differentiate between a member of a Scheduled Tribe of one State from a person of another State. Therefore cut-off date of 13/12/2005 will be applicable for all ST persons, irrespective of their State of origin. However, it must be noted that 66 2/3 % quorum is mandatory for a gram sabha meeting to take place as per the Act.

13. What will be role of Vana Sanrakshana Samitis and other organisations or individuals who have been protecting the forests all along?

—> The JFM policy guidelines are executive instructions whereas the present provisions are part of an Act. Therefore, the members of the VSS should be encouraged to participate in the meetings of the Gram Sabha/Palli Sabha so that the correct resolutions are passed by it.

14. A forest officer or a revenue officer has not received intimation to attend Gram Sabha/ Palli Sabha meeting. Can he sign the minutes of the SDLC?

—> It is the duty of all grass root functionaries of all Departments to attend the Palli Sabha meetings. It must be noted that for the first round of the meetings of the Palli Sabha, wide publicity was given through TV, Radio and print media. No field officer of any department can plead ignorance of the palli sabha meetings. However, if the SDLC resolves that a matter requires field verification by a particular officer, the same must be attended to with utmost priority. Weekly meetings of SDLC will help in close monitoring of the field verification if it is decided to be necessary by SDLC.

15. *It has been seen in the SDLC meetings that the resolution of the Palli Sabha is not accompanied by 66 2/3% of the signatures of the adult members of the village. Can it be entertained?*

—> It must be noted that the Secretary of the Palli Sabha is the executive officer or extension officer or Secretary of the Gram Panchayat. If the functionary has signed and affirmed a document as the resolution of the Palli Sabha, it is his duty to keep the original document with the signatures of the members present in his record. When a copy is forwarded by him with his signature to the SDLC, the SDLC should accept it as authentic. This is by adopting the same analogy as that of an Act of a Legislative Assembly. Every Act or a Resolution of the Assembly will not bear the signature of every member present. The signature of the authorised officer is adequate. By the same logic, the SDLC has to presume the proceedings to be correct, unless any allegation is received to the contrary. Same logic applies to the point regarding whether one-third ST members are present in the FRC and whether one-third women have been elected to the FRC or not. Wherever the SDLC finds the specific need to get this verified, they can do so. The District Panchayat Officer and the Sub-Divisional Panchayat Officer, with the help of the extension officers, are also required to conduct periodic inspections and guide the palli sabhas to keep the documentation properly.

16. *Has the State Govt. taken any Programme for creating awareness and training?*

—> Sub-Divisional Level Committees and District Level Committees have made arrangements for creating awareness and imparting training to the members of the Committees and concerned Officials/ Functionaries. Oriya and English version of the Act & Rules have been printed and distributed among DLCs and SDLCs for circulation among Gram Sabhas/ FRCs and others concerned with implementation with the Act.

17. *Who will supply the claim form A & B to the Beneficiaries and if any fees to be paid for obtaining forms?*

—> All PA, ITDAs in scheduled areas and all DWOs in non-scheduled area districts will print and distribute the requisite number of form A & B among the beneficiaries free of cost.

18. *From which sources FRCs will get funds to purchase registers, files and papers etc. ?*

—> Necessary funds under Article 275(1) of the Constitution has already been sanctioned / provided to all PA, ITDAs and all PD, DRDAs of non-scheduled area districts of the State for incurring expenditure towards implementation of this Act.

19. *Who will decide recognition and vesting of community right versus individual right?*

—> Gram Sabha shall decide this. In case of dispute appeal to higher committees, SDLC and DLC is possible.

20. *What are the Special provisions for displaced Tribals who have not been rehabilitated?*

—> Section 3 (m) of the Act provides that right to in situ rehabilitation including alternative land in cases where the STs and Other Traditional Forest Dwellers have been illegally evicted

or displaced from forestland of any description without receiving their legal entitlement to rehabilitation prior to the 13th December 2005.

Section 4(8) of the Act provides that the Forest rights recognized and vested under this Act shall include the right of land to forest dwelling Scheduled Tribes and Other Traditional Forest Dwellers, who can establish that they were displaced from their dwelling and cultivation without land compensation due to state development interventions and where the land has not been used for the purpose for which it was acquired within 5 years of the said acquisition.

21. *Who are the traditional forest dwellers?*

—>Section 2(o) of the Act defines the traditional forest dwellers as "Other Traditional Forest Dwellers" means any member or community who has for at least three generations (75 years) prior to the 13th day of December 2005 primarily resided in and who depend on the forest or forests land for bonafide livelihood needs.

22. *Does definition of forestland in the Act applies only to the land under Forest Department, or is it that the forestland under the Revenue Department (jungle kisan) also comes within the purview of the Act.*

—> "Forestland" means land of any description falling within any forest area and includes unclassified forests, undemarcated forests, existing of deemed forests, protected forests, reserved forests, sanctuaries and national parks. Therefore, the definition of forestland specified under the Act applies to all types of forests including that of the jungle kisan land found in the Revenue records.

ଓଡ଼ିଶା ସରକାର
ପଂଚାୟତିରାଜ ବିଭାଗ

By FAX / E-Mail/Post

ନଥି ସଂଖ୍ୟା -PRI-(IV)-9/08 ୪୯୪୦୮/ପି.ଆର.ଚା- 30.12.08

ପ୍ରେରକ

ଶ୍ରୀ ରବିନ୍ଦ୍ର ନାଥ ଦାଶ, IAS,

ଶାସନ ସଚିବ

ପ୍ରାପ୍ତେଷୁ,

ସମସ୍ତ ସରପଂଚ

ବିଷୟ :- ଅନୁସୂଚିତ ଜନଜାତି ଏବଂ ଅନ୍ୟାନ୍ୟ ପାରମ୍ପରିକ ବନବାସୀଙ୍କର (ଜଙ୍ଗଲ ଅଧିକାର ସାକ୍ଷ୍ୟ) ଆଇନ୍ ୨୦୦୬ ଏବଂ ତତ୍ ଅନ୍ତର୍ଗତ ଅନୁସୂଚିତ ଜନଜାତି ଏବଂ ଅନ୍ୟାନ୍ୟ ପାରମ୍ପରିକ ବନବାସୀଙ୍କର (ଜଙ୍ଗଲ ଅଧିକାରୀ ସାକ୍ଷ୍ୟ) ନିୟମ ୨୦୦୬ ଆଧାରରେ ପଲ୍ଲୀସଭା ଆଦୃତ କରିବା ସମ୍ପର୍କରେ ।

ମହାଶୟ,

ନିର୍ଦ୍ଦେଶ କ୍ରମେ ମୁଁ ଉପରୋକ୍ତ ବିଷୟ ପ୍ରସଂଗରେ କହିବାକୁ ଚାହେଁ ଯେ, ପୈତୃକ ସମ୍ପତ୍ତି ଓ ବାସସ୍ଥଳୀ ଉପରୁ ପାରମ୍ପରିକ ଅଧିକାର ନଥିବା ଅନୁସୂଚିତ ଜନଜାତି ଏବଂ ଅନ୍ୟାନ୍ୟ ପାରମ୍ପରିକ ବନବାସୀଙ୍କୁ ଚିହ୍ନିତ କରି ସେମାନଙ୍କ ଅଧିକୃତ ଜମି ଏବଂ ଜଙ୍ଗଲ ଅଧିକାରର ସାକ୍ଷ୍ୟ ନିମନ୍ତେ ଭାରତ ସରକାରଙ୍କର ଉପରୋକ୍ତ ଆଇନକୁ କାର୍ଯ୍ୟକାରୀ କରିବା ପାଇଁ ତା-୧୬-୦୩-୦୮ ଓ ତା-୨୩-୦୩-୦୮ ରିଖରେ ଦୁଇଟି ପର୍ଯ୍ୟାୟରେ ରାଜ୍ୟର ଗ୍ରାମ ମାନଙ୍କରେ ପଲ୍ଲୀସଭା ଆଦୃତ କରି ଜଙ୍ଗଲ ଅଧିକାର କମିଟି ଗଠନ ନିମନ୍ତେ ନିର୍ଦ୍ଦେଶ ଦିଆଯାଇଥିଲା ।

ଉପରୋକ୍ତ ଜଙ୍ଗଲ ଅଧିକାର ନିୟମ ଅନୁଯାଇ ସେହି ଗ୍ରାମର ବ୍ୟକ୍ତିଗତ ଓ ଗୋଷ୍ଠିଗତ ଅଭିଯୋଗ ଗୁଡ଼ିକ ପ୍ରଥମେ ପଲ୍ଲୀସଭାରେ ଆଲୋଚନା ହୋଇ ସାକ୍ଷ୍ୟ ଲାଭ ପରେ ତାହା, ଗଠିତ ଉପଖଣ୍ଡ ସ୍ତରୀୟ କମିଟିକୁ ପଠାଇବେ । କିନ୍ତୁ ପରବର୍ତ୍ତୀ ସମୟରେ ହରିଜନ ଓ ଆଦିବାସୀ ଉନ୍ନୟନ ବିଭାଗର ନିର୍ଦ୍ଦେଶକ, ଟାଙ୍ଗାମ ଓ ପୁରୀ ଜିଲ୍ଲାକୁ ପରିଦର୍ଶନ ସମୟରେ ଏହା ଦୃଷ୍ଟିଗୋଚର ହେଲା ଯେ, ବିଭିନ୍ନ ଗ୍ରାମ ମାନଙ୍କରେ ଗଠିତ, ଜଙ୍ଗଲ ଅଧିକାର କମିଟି, ସେହି ଗ୍ରାମର ଜଙ୍ଗଲ ଅଧିକାର ସମନ୍ଧୀୟ ଅଭିଯୋଗ ଗୁଡ଼ିକ ସେହି ଗ୍ରାମର ପଲ୍ଲୀସଭାର ସାକ୍ଷ୍ୟ ନଥାଇ ସିଧା ସଳଖ ଉପଖଣ୍ଡ ସ୍ତରୀୟ କମିଟିକୁ ପଠାଇଛନ୍ତି । ଏହା ଫଳରେ ଉପରୋକ୍ତ ଉପଖଣ୍ଡସ୍ତରୀୟ କମିଟି ଉକ୍ତ ଅଭିଯୋଗ ଗୁଡ଼ିକକୁ ସମ୍ପୂର୍ଣ୍ଣ ମଣ୍ଡଳ ଅଧିକାରୀଙ୍କୁ ସତ୍ୟ ପ୍ରମାଣ କରିବା ଏବଂ ପଲ୍ଲୀସଭାରେ ସାକ୍ଷ୍ୟ ଲାଭ କରିବା ପାଇଁ ଫେରାଇ ଦେଇଛନ୍ତି ।

ତେଣୁ ସମ୍ପୂର୍ଣ୍ଣ ଗ୍ରାମ ମାନଙ୍କରେ ଯେତେ ଗୁଡ଼ିଏ ଜଙ୍ଗଲ ସମନ୍ଧୀୟ ଅଭିଯୋଗ ଆଗତ ହୋଇଅଛି ଏବଂ ଯେଉଁ ଅଭିଯୋଗ ଗୁଡ଼ିକ ପଲ୍ଲୀସଭାରେ ସାକ୍ଷ୍ୟ ପାଇଁ ଉପଖଣ୍ଡସ୍ତରୀୟ କମିଟିକୁ ଫେରସ୍ତ ହୋଇଅଛି, ସେହି ଅଭିଯୋଗ ଗୁଡ଼ିକ ପଲ୍ଲୀସଭାରେ ଆଲୋଚନା ଓ ସାକ୍ଷ୍ୟ ପାଇଁ ତା-୧୮-୦୧-୦୯ ରିଖରେ ଏକ ସଚର ପଲ୍ଲୀସଭା ଆଦୃତ କରିବା ପାଇଁ ସରକାର ଧାର୍ଯ୍ୟ କରିଛନ୍ତି ।

ଏଥି ନିମନ୍ତେ ଆପଣ ମାନଙ୍କୁ ଜଣାଇ ଦିଆଯାଉଅଛି ଯେ ଆପଣଙ୍କର ପଂଚାୟତର ଗ୍ରାମ ମାନଙ୍କରେ ଉପରୋକ୍ତ ଧାର୍ଯ୍ୟ ତାରିଖରେ ପଲ୍ଲୀସଭା ଅନୁଷ୍ଠିତ କରିବା ପାଇଁ ୧୫ ଦିନ ପୂର୍ବରୁ ନୋଟିସ୍ ଜାରି କରନ୍ତୁ ।

ଉକ୍ତ ପଲ୍ଲୀ ସଭାରେ ଯେପରି ଅନୁଧ୍ୟାନ ଦୁଇ ତୃତୀୟାଂଶ ପଲ୍ଲୀସଭା ସଭ୍ୟ ଓ ଅଧିକ ସଂଖ୍ୟାରେ ଆଦିବାସୀ ଓ ମହିଳା ଯୋଗ ଦିଅନ୍ତି ସେଥିନିମନ୍ତେ ସରପଂଚ ମାନେ ଯତ୍ନବାନ ହେବେ । ଏହି ସଭାରେ ପ୍ରସ୍ତାବ ଗୃହିତ କରିବାପାଇଁ ଏକ ନୋଟିସ୍ ଏବଂ ପଲ୍ଲୀସଭା ବାବରଣୀର ନମୁନା ଏଥି ସହିତ ସଂଲଗ୍ନ କରାଗଲା ।

ଆପଣଙ୍କର ବିଶ୍ୱସ୍ତ

କମିଶନର ତଥା ଶାସନ ସଚିବ

କ୍ଷାପକ ସଂଖ୍ୟା 49409 / ପିଆର୍ ତା - 30.12.08

ଏହାର ଏକକିତା ନକଲ ହରିଜନ ଓ ଆଦିବାସୀ ଉନ୍ନୟନ ବିଭାଗ / ରାଜସ୍ୱ ଓ ବିର୍ଯ୍ୟସ୍ତ ପ୍ରଶମନ ବିଭାଗ / ଜଙ୍ଗଲ ଓ ପରିବେଶ ବିଭାଗର ଅବଗତି ଏବଂ ବିହୀତ କାର୍ଯ୍ୟାନୁଷ୍ଠାନ ନିମନ୍ତେ ପ୍ରେରଣ କରାଗଲା ।

ଯୁଗ୍ମ ଶାସନ ସଚିବ

By FAX / E-Mail/Post

କ୍ଷାପକ ସଂଖ୍ୟା 49410 / ପିଆର୍ ତା - 30.12.08

ଏହାର ଏକକିତା ନକଲ ସମସ୍ତ ଜିଲ୍ଲାପାଳ ମାନଙ୍କ ଅବଗତି ଏବଂ ବିହୀତ କାର୍ଯ୍ୟାନୁଷ୍ଠାନ ନିମନ୍ତେ ପ୍ରେରଣ କରାଗଲା ।

ଯୁଗ୍ମ ଶାସନ ସଚିବ

By FAX / E-mail

କ୍ଷାପକ ସଂଖ୍ୟା 49411 / ପିଆର୍ ତା - 30.12.08

ଏହାର ଏକକିତା ନକଲ ସମସ୍ତ ଜିଲ୍ଲା ଉନ୍ନୟନ ସଂସ୍ଥାର ପ୍ରକୃତ ନିର୍ଦ୍ଦେଶକ / ଜିଲ୍ଲା ପଂଚାୟତି ଅଧିକାରୀ ମାନଙ୍କ ଅବଗତି ଏବଂ ବିହୀତ କାର୍ଯ୍ୟାନୁଷ୍ଠାନ ନିମନ୍ତେ ପ୍ରେରଣ କରାଗଲା ।

By E-Mail/Post

କ୍ଷାପକ ସଂଖ୍ୟା 49412 / ପିଆର୍ ତା - 30.12.08

ଏହାର ଏକକିତା ନକଲ ସମସ୍ତ ମଣ୍ଡଳ ଉନ୍ନୟନ ଅଧିକାରୀ ମାନଙ୍କ ଅବଗତି ଏବଂ ବିହୀତ କାର୍ଯ୍ୟାନୁଷ୍ଠାନ ନିମନ୍ତେ ପ୍ରେରଣ କରାଗଲା ।

ମଣ୍ଡଳ ଅଧିକାରୀ ମାନଙ୍କୁ ଏବେଦ୍ୱାରା ନିର୍ଦ୍ଦେଶ ଦିଆଯାଉଅଛି ଯେ ସେମାନେ ନିଜ ବ୍ଲକ୍ ଅନ୍ତର୍ଗତ ପଂଚାୟତ ମାନଙ୍କରେ ଯେପରି ଶାନ୍ତି ଶୃଙ୍ଖଳାରେ ପଲ୍ଲୀସଭା ହେବ ସେଥିପାଇଁ ବ୍ଲକ୍ ତରଫରୁ ଅଫିସର ଏବଂ ଗ୍ରାମସେବକ ମାନଙ୍କୁ ନିର୍ଦ୍ଦେଶ ଦେବେ ଏବଂ ସେମାନେ ଏହି ନିର୍ଦ୍ଦେଶନାମା ଓ ପଲ୍ଲୀସଭାର ନୋଟିସ୍ ଏବଂ ପଲ୍ଲୀସଭା ବାବରଣୀ ନମୁନାର ନକଲ ଯଥେଷ୍ଟ ସଂଖ୍ୟାରେ ଗ୍ରାମ ପଞ୍ଚାୟତ ମାନଙ୍କୁ ପ୍ରେରଣ କରିବେ ।

ଯୁଗ୍ମ ଶାସନ ସଚିବ

ପଲ୍ଲୀସଭା ବିବରଣୀର ନମୁନା

ଅନ୍ୟ ତା.....ବିଷୟରେ 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 ସାକ୍ଷୀ) ଆଇନ୍ - ୨୦୦୬ ଏବଂ ଚେ ଅଚର୍ଚିତ (ଜଙ୍ଗଲ ଅଧିକାର ସାକ୍ଷୀ) ନିୟମ ୨୦୦୬ରେ ଥିବା ବିଭିନ୍ନ ବ୍ୟବସ୍ଥା ସଂପର୍କରେ ସବିଶେଷ ଆଲୋଚନା କରିଥିଲେ । ଉକ୍ତ ଆଇନ୍‌ର ବିଭିନ୍ନ ଧାରା ଏବଂ କାର୍ଯ୍ୟକାରୀତା ସଂପର୍କରେ ଉପସ୍ଥିତ ପଲ୍ଲୀସଭାର ସମସ୍ତ ସଦସ୍ୟଙ୍କୁ 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 ସ୍ୱାଧୀନାଧିକାର ବ୍ୟକ୍ତିମାନେ ସେମାନଙ୍କର ଏହି ଅଧିକାର ନିମନ୍ତେ ଦାବୀମାନ ଆଜିଠାରୁ ଆସନ୍ତା ତିନିମାସ ମଧ୍ୟରେ ଜଙ୍ଗଲ ଅଧିକାର କମିଟି ନିକଟରେ ଦାଖଲ କରିବା ପାଇଁ ସୁରାଜ୍ଞ ହେଲା । ଏବଂ ଉକ୍ତ ଦାବୀ ଉପରେ ଆନୁସଂଗିକ ବିଚାର ଓ କାର୍ଯ୍ୟାନୁଷ୍ଠାନ ନିମନ୍ତେ ଜଙ୍ଗଲ ଅଧିକାର କମିଟିକୁ କ୍ଷମତାପତ୍ର କରାଗଲା ।

ସା-
ସଭାପତି

ଜଙ୍ଗଲ ଅଧିକାର କମିଟିର ବିବରଣୀ

ଆଜି ତା ରଖ ପଲ୍ଲୀସଭା ଦ୍ଵାରା ନିର୍ବାଚିତ ଜଙ୍ଗଲ ଅଧିକାର କମିଟି ନିମନ୍ତେ 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 ପ୍ରରାଜ୍ଞ ଜଙ୍ଗଲ ଅଧିକାର କମିଟିକୁ ପଠାଇବା ପାଇଁ ନିଶ୍ଚିତ୍ ନିଆଗଲା ।

କ୍ର. ସଂଖ୍ୟା	ଉପସ୍ଥିତ ସଭ୍ୟ/ସଭ୍ୟାଙ୍କର ନାମ	ସ୍ଵାକ୍ଷର
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ସ୍ଵାପକ ସଂଖ୍ୟା

/ ତା:

ଏହାର ଏକକିଟା ନକଲ ଉପଖଣ୍ଡପ୍ରରାଜ୍ଞ ଜଙ୍ଗଲ ଅଧିକାର କମିଟି ନିଜକୁ ପଠାଇବା ପାଇଁ ଗ୍ରାମପଞ୍ଚାୟତ ସେକ୍ରେଟାରୀଙ୍କୁ / ପଞ୍ଚାୟତ ନିର୍ବାହୀ ଅଧିକାରୀଙ୍କ ଅବଗତ ଓ ବିହିତ କାର୍ଯ୍ୟାନୁଷ୍ଠାନ ନିମନ୍ତେ ପ୍ରେରଣ କରାଗଲା ।

ସେକ୍ରେଟାରୀ ଜଙ୍ଗଲ ଅଧିକାର କମିଟି

ସ୍ଵାପକ ସଂଖ୍ୟା

/ ତା:

ଏହାର ଏକକିଟା ନକଲ ମଞ୍ଜୁର ଅଧିକାରୀ/ ଉପକମିସନାରୀ/ ଏବଂ ଜିଲ୍ଲାପାଳଙ୍କ ଅବଗତ ଓ ବିହିତ କାର୍ଯ୍ୟାନୁଷ୍ଠାନ ନିମନ୍ତେ ପ୍ରେରଣ କରାଗଲା ।

ସେକ୍ରେଟାରୀ ଜଙ୍ଗଲ ଅଧିକାର କମିଟି

ନୋଟିସ୍

ଏତଦ୍ୱାରା ଜଣାଇ ଦିଆଯାଉଅଛି ଯେ ତା ରିଶ ଦିନ ସମୟ

ଘଟିକାରେ ନିମ୍ନଲିଖିତ ବିଷୟ ଆଲୋଚନା ଏବଂ ପ୍ରସାର ନିମନ୍ତେ ପଲ୍ଲୀସଭା
ଅନୁଷ୍ଠିତ ହେବ । ଏଥି ନିମନ୍ତେ ସମସ୍ତ ପଲ୍ଲୀ ବାସୀଙ୍କୁ ଅନୁରୋଧ ସେମାନେ ସମସ୍ତେ ବହୁସଂଖ୍ୟାରେ
ଯୋଗଦାନ କରିବାକୁ ସଫଳ କରିବେ ।

୧. ଅନୁସୂଚିତ ଜନଜାତି ଏବଂ ଅନ୍ୟାନ୍ୟ ପାରମ୍ପରିକ ବନବାସୀଙ୍କର (ଜଙ୍ଗଲ ଅଧିକାର ସାକ୍ଷୀତା)
ଆଇନ, ୨୦୦୬ ଏବଂ ତଦନ୍ତଗତ ଅନୁସୂଚିତ ଜନଜାତି ଏବଂ ଅନ୍ୟାନ୍ୟ ପାରମ୍ପରିକ ବନବାସୀଙ୍କର
(ଜଙ୍ଗଲ ଅଧିକାର ସାକ୍ଷୀତା) ଆଇନ, ୨୦୦୭ ଅନୁଯାୟୀ ଗ୍ରାମର ସଭ୍ୟ ଓ ସଭ୍ୟା ମାନଙ୍କର
ବ୍ୟକ୍ତିଗତ ଓ ଗୋଷ୍ଠୀଗତ ଅଭିଯୋଗ ଉପରେ ଆଲୋଚନା ହେବ ।

୨. ଉକ୍ତ ଆଇନ ଅନୁଯାୟୀ ବିଭିନ୍ନ ଦିଗ ସମ୍ପର୍କରେ ଆଲୋଚନା ।

ସରପଞ୍ଚ

ପଲ୍ଲୀ ସଭାର ବିବରଣୀ (ନମୁନା)

ଆଜି ତା ରିଶରେ ଗ୍ରାମର ପଲ୍ଲୀସଭା
ଅନୁଷ୍ଠିତ ହୋଇଥିଲା । ଏହି ସଭାରେ ନିମ୍ନଲିଖିତ ସରକାରୀ କର୍ମଚାରୀ ମାନେ ଉପସ୍ଥିତ ଥିଲେ ।

ପଲ୍ଲୀସଭାରେ ଉପସ୍ଥିତ ଥିବା ସରକାରୀ ଅଧିକାରୀ

କ୍ର.ସଂଖ୍ୟା	ସରକାରୀ ଅଧିକାରୀଙ୍କ ନାମ	ପଦବୀ ଓ ଠିକଣା

ଉକ୍ତ ସଭାରେ ଅନୁସୂଚିତ ଜନଜାତି ଏବଂ ଅନ୍ୟାନ୍ୟ ପାରମ୍ପରିକ (ଜଙ୍ଗଲ ଅଧିକାର ସାକ୍ଷୀ) ଆଇନ
୨୦୦୬ ଏବଂ ତତ୍ ଅନ୍ତର୍ଗତ (ଜଙ୍ଗଲ ଅଧିକାର ସାକ୍ଷୀ) ନିୟମ ୨୦୦୭ ଅନୁଯାୟୀ ଗ୍ରାମ ନିମ୍ନଲିଖିତ
ସଭ୍ୟ ଓ ସଭ୍ୟା ମାନଙ୍କର ବ୍ୟକ୍ତିଗତ ଓ ଗୋଷ୍ଠିଗତ ଅଭିଯୋଗ ଓ ଦାବି ଉପରେ ଆଲୋଚନା ହୋଇଥିଲା
ଯଥା -

୧.

୨.

୩.

ଉପରୋକ୍ତ ଦାବି ଉପରେ ଆନୁସଂଗିକ ବିଚାର ଓ କାର୍ଯ୍ୟାନୁଷ୍ଠାନ ନିମନ୍ତେ ଜଙ୍ଗଲ ଅଧିକାରୀ
କମିଟିକୁ କ୍ଷମତାପନ୍ନ କରାଗଲା ।

ସ୍ବା /-

ସଭାପତି

**Chief Secretary & Chief Development Commissioner
Government of Orissa, Bhubaneswar**

Ajit Kumar Tripathy, IAS,

No. 6061/SSD,
TD - II - 51/08

Dated 4.2.09

To

All Collectors

**Sub: Implementation of Scheduled Tribes and Other Traditional Forest Dwellers
(Recognition of Forest Rights) Act, 2006.**

Ref: My demi official letter No.36829/CS dt. 20.10.2008

Sir/Madam,

I find that after the meetings held in January under the Chairmanship of Revenue Divisional Commissioners, there has been some improvement in progress of implementation of the Act. However, I would like to draw your attention to the following points;

1. The Act is meant not merely for recognizing individual rights over the forest land but also community rights. Various kinds of the rights guaranteed under the Act are listed in Section 3(1). The reports received indicate the need to do more work in receiving as well as processing the community claims.
2. The decision-making authorities under the Act are clearly spelt out. **They are the Gram Sabha/ Palli Sabha, Sub-Divisional Level Committee and the District Level Committee.** It must be noted that the role of the officials is to render proper and timely assistance to these committees and to ensure custody of the records. No individual officer has been given the powers under the Act to overrule or object to the decisions of the appropriate authority, other than filing appeal to the next higher authority as prescribed.
3. Care needs to be taken that all records are properly maintained. A copy of the proceedings of the Gram Sabha/ Palli Sabha must be available with the concerned Secretary of the Gram Panchayat. Similarly the agenda notes as well as the proceedings of the SDLC must be available in proper order, with the Sub-Collector. The agenda notes and proceedings of the DLC must be available in the office of the Collector. Apart from this, the extract of the relevant portions of the agenda notes and proceedings of the SDLC or DLC of a particular village must be made available to the concerned Gram Sabha/Palli Sabha through the concerned GP Secretary, so that the right to appeal as envisaged in the Act can be ensured. You are requested to draw attention of all concerned officials to Section 7 of the Act, which provides for penalty in case of contravention.

4. It may be noted that the Act does not expressly provide for verification of claims as a matter of routine by officials, after the Gram Sabha has passed resolution on forest rights as per Section 4(1)(c). If SDLC or DLC requires any particular claim to be verified, the same must be attended to on top priority by the concerned officials of Revenue, or Forest or STSC Development Department. It may be ensured that such joint visits take place with due intimation to the concerned FRCs so that conclusions are drawn for each village and necessary reports are furnished to the SDLC or DLC, Care must be taken to see that indefinitely long time is not taken for this field verification.
5. List of forest habitations identified by the 2001 Census was already made available to you. As per Section 2(p) of the Act, even forest habitations which are technically not part of any Gram Panchayat can also constitute their FRCs and take up steps under the Act. This aspect needs to be communicated properly to all concerned and should be monitored closely.
6. As per Rule 11(5), the Palli Sabha has to meet whenever FRC presents their findings to it. Therefore, there is no need to wait for any Government decision on the date of Palli Sabha meetings. The ward members and the Sarpanches have to be impressed upon the need to hold Palli Sabha meetings as and when required.
7. As two-third members are required in the Palli Sabha meeting, you are required to ensure sufficient dialogue with the civil society. You may utilize the forum of the District Level Coordination Committee on NGOs for the purpose of enlisting capable and sincere NGOs in capacity building and awareness generation.
8. You are requested to take up another round of training at Sub-Divisional level, by bringing together all concerned, including officials, elected non-officials and members of the civil society so that the procedures and the functions of authorities under the Act are made known to all once again.
9. Map preparation at the SDLC level is crucial. You are requested to review this aspect and take steps to mobilize the personnel for this purpose properly.
10. You are instructed to make an in-depth review of implementation of the Act in your district and furnish your review note along with the MPR to the nodal department i.e. ST & SC Development Department regularly on monthly basis by 5th of each succeeding month without fail. It should be remembered that this is an item of topmost priority for the Govt. of Orissa. Any negligence at any level would be seriously viewed inviting major penalty disciplinary proceedings.

Yours faithfully,

Sd-
Chief Secretary.

Govt. of Orissa
ST and SC Development Department

No. 13295 /SSD, Bhubaneswar, Dated the 17.4.09
TD-II-3/08(Pt.)

From

Shri B. Mishra, IAS.,
Addl. Secy. to Government.

To,

All Collectors / Sub-Collectors / D.F.O.s / D.W.O.s

Sub: Implementation of Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.

Sir,

I am directed to say that this Department has already reviewed the implementation of Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006. As revealed during the Video Conference, 1, 45,825 individual claims have been approved by Palli Sabha and referred to Sub-Divisional Level Committee. Out of that 36,301 claims have been approved by the Sub-Divisional Level Committee and sent to District Level Committee. Out of that 29,772 claims have been approved by District Level Committee and awaiting distribution of Patta. Final Patta cannot be distributed, in view of stay orders by the High Court.

It is observed that although a large number of claims have been recommended by Palli Sabha, to the Sub-Divisional Level Committee, the same has not been cleared by SDLC. This is perhaps due to incomplete information, and other deficiency in the proposals received from Palli Sabha. We have permitted the services of retired Amins, retired R.Is and retired forest officials for verification of claims. Hence you may engage the services of these retired personnel, optimally. Joint squad may be constituted consisting of these officials and they may be asked to complete the verification in a time bound manner. The performance of these verification squad may be monitored closely.

After Election process is over, the claims of Forest Rights which are in order may be vetted by SDLC and DLC.

Besides, as discussed earlier, you may take steps for uploading data through Data Entry Operators, in the website of MOTA

Yours faithfully,
Sd/-

Addl. Secretary to Government

**Government of Orissa
ST & SC Development Department**

No. 24828 /SSD, Bhubaneswar the dated 10.7.09.
TD-II-6/08

From :

**Shri B. B. Mishra, IAS
Addl. Secy. to Govt. of Orissa**

To

All Collectors /
All Divisional Forest Officers

Sub: Development of Forest Villages - details of population.

Sir,

I am directed to enclose herewith the copy of the letter No.14020/15/2005-SG-11. dt. 30.6.2009 received from Ministry of Tribal Affairs, Govt. of India and request to furnish the details of population of each forest village being funded under the programme.

Therefore, you are requested to furnish the required information on no. of people (community wise) living in each forest village immediately by return of fax to this Department for onward transmission to Ministry of Tribal Affairs, Govt. of India. This may be treated as extremely urgent.

Yours faithfully,

Sd/-

Addl. Secretary to Government.

**GOVERNMENT OF ORISSA
ST & SC Development Department**

No. 26286 / SSD, Bhubaneswar, Dated the 19.8.09
TD-II-32/08

From

**Biswajit Misra, IAS,
Addl. Secy. to Govt.**

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.**

Sir,

As you are aware, the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 has become operational after notification of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2007 with effect from 01.01.2008. the law provides for recognition of forest rights to Scheduled Tribes in occupation of the forest land prior to 13.12.2005 and to Other Traditional Forest Dwellers who are in occupation of the forest land for at least three generations i.e. 75 years, prior to 13.12.2005.

A number of claims have been approved by Dist. Level Committee, after they are duly recommended by the SDLC & Gram Sabha. However, Pattas could not be distributed in the approved claims because of the stay order dated 23.7.2008 of the Hon'ble High Court, Orissa in the case of society of Retired Forest Officers Vrs. Union Government (W.P.(c) No.4933 of 2008). The Hon'ble Court has 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 aforesaid Forest Rights Act, 2006.

However, the stay order passed by the Hon'ble High Court has been vacated on 12.8.2009. The Court has observed as follows;

"We vacate the interim order dated 23.7.2008 and permit the authorities to issue certificate of title to the eligible forest dwelling scheduled tribes and other traditional forest dwellers under the Act which shall be subject to the result of the main writ petition".

In view of the above, you may take expeditious action to issue certificate of title to the eligible forest dwelling scheduled tribes and other traditional forest dwellers under the Act which shall be subject to the result of the main writ petition.

Action taken in the matter and no. of Titles for forest land issued along with area and no. of families covered both in Individual & Community claims may please be reported to this department for information of Govt.

Yours faithfully,

Sd/-
Addl. Secy. to Govt.

Memo No.28287 dt. 19.8.09

Copy to all RDC for kind information and necessary action.

Sd/-
Addl. Secy. to Govt.

**GOVERNMENT OF ORISSA
S.T. & S.C. DEVELOPMENT DEPARTMENT**

No 28318/SSD. , Bhubaneswar the dated, 20.08.09
Stat & D/Cell-23/09

From:

**Shri B. Mishra, I.A.S.,
Additional Secretary to Government.**

To

The P.A., ITDA, Baripada/Kuchinda/ Sundergarh/Parlakhemundi/Phulbani/Koraput/

Malkangiri/Nowarangpur/Rayagada/Keonjhar/Th.Rampur/DWO,Dhenkanal/Angul/Jajpur

**Sub: Two-day orientation training programme of Govt. officials on ST & Other
Traditional Forest Dwellers Right (Recognition of Forest Rights) Act, 2006.**

Sir,

I am directed to say that SC & ST Research and Training Institute, Bhubaneswar (near CRPF Square) is going to recognize two number of two-day orientation training programme each for Govt. officials involved in the process on ST & Other Traditional Forest Dwellers Right Act' 2006 in their Institute, Bhubaneswar, which has been slotted from 28-29 August 2009 and 1st & 2nd September respectively.

Your name has been intimated to the Director, SCSTRTI, Bhubaneswar as a participant as per the programme given under.

You are, therefore, requested to report for the above training programme before the Director, SCSTRTI, Bhubaneswar as per the date, time and venue mentioned against each without fail.

Yours faithfully,

Sd/-

Additional Secretary to Government

Batch No.1
Date:-28th & 29th August'2009
Venue: - SCSTRTI (Near CRPF Square)
Bhubaneswar at 10.00 AM

Batch No.2
Date:-1st & 2nd Septmber'2009
Venue: - SCSTRTI (Near CRPF Square)
Bhubaneswar at 10.00 AM

Sl. No.	Designation	Sl. No.	Designation
1.	P.A.,ITDA,Baripada	1.	P.A.,ITDA, Malkangiri
2.	P.A.,ITDA, Kuchinda	2.	P.A.,ITDA, Nowarangpur
3.	P.A.,ITDA, Sundargarh	3.	P.A.,ITDA, Rayagada
4.	P.A.,ITDA, Parlakhemundi	4.	P.A.,ITDA, Keonjhar
5.	P.A.,ITDA, Phulbani	5.	P.A.,ITDA, Th.Rampur
6.	P.A.,ITDA, Koraput	6.	DWO, Dhenkanal
7.	DWO, Sambalpur	7.	DWO, Angul
8.	DWO, Jharsuguda	8.	DWO, Jajpur

No 28319/ SSD. , dt. 20.08.09

Copy forwarded to Director, SCSTRTI, Bhubaneswar for information and necessary action with respect to his letter No.2318/Trg., dt.24.07.2009.

Sd/-
Additional Secretary to Government

Memo No. 28320/ SSD. , dt. 20.08.09

Copy forwarded to the collectors concerned with a request to relieve the officers for attending the training programme as per the date/time mentioned above.

Sd/-
Additional Secretary to Government

GOVERNMENT OF ORISSA
S.T. & S.C. DEVELOPMENT DEPARTMENT

No 28807/ SSD. , Bhubaneswar, Dated the 21.08.09

From:

Shri B. Mishra, I.A.S.,
Additional Secretary to Government.

To

All Collectors.

Sub: Distribution of Patta, to the eligible beneficiaries under Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.

Ref: This Deptt. Letter No.28286-TD-II-32/08, dated 19.08.2009

Sir,

In inviting a reference to the subject stated above, I am directed to say that while distributing **patta** to the eligible Scheduled Tribes and Other Traditional Forest Dwellers under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, the local M.L.A. should be invited.

Yours faithfully,

Sd/-

Additional Secretary to Government

**GOVERNMENT OF ORISSA
REVENUE AND DISASTER MANAGEMENT DEPARTMENT**

No.GE (GL) S-23/09 (Pt-II) - 34149/ R & DM dtd. 31.08.09

From

Shri R.K. Sharma, IAS,
Commissioner-cum-Secy. to Govt.

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: ST & SC Development Department Letter No.28288 dt. 20.8.09 addressed to all Collectors.

Madam/Sir,

I am directed to say that although a number of claims for issues of record of forest rights (both individual and community rights) under ST & Other Traditional Forest Dwellers(Recognition of Forest Rights) Act / Rules have been approved by the DLC after being duly recommended by the SDLC and Gram Sabha such titles could not be conferred upon the eligible claimants because of stay order dated 23.7.2008 of the Hon'ble High Court, Orissa passed in W.P (c) No.4933/2008 filed by the Society of Retired Forest Officers Orissa - Vrs - Union of India and others.

ST & SC Development Department in Letter under reference has already informed you that the Hon'ble High Court has vacated the aforesaid stay order in its order dated 12.08.09 passed in Misc. Case No.10825/2008, No.1902/2009 and No.5192/2009 and has been pleased to permit the authorities to issue certificate of title to the eligible forest dwelling STs and other traditional forest dwellers under the Act which shall be subject to the result of the main writ petition.

In view of the above circumstance, you are requested to please take immediate steps for issue of certificate of title to the eligible forest dwelling STs and Other Traditional Forest Dwellers under the Act which shall be subject to the result of the main writ petition.

You are, further, requested to intimate the number of titles for forest land issued along with area and number of families covered both in individual and community claims to this Department as well as to ST and SC Development Department by 10th September, 2009 positively.

Yours faithfully,

Sd/-
Commissioner-cum-Secy. to Govt.

**GOVERNMENT OF ORISSA
REVENUE AND DISASTER MANAGEMENT DEPARTMENT**

No 36818 / CSR&D.M. Dated 19.09.2009

From:

Shri R.K. Sharma, I.A.S.,
Commissioner-cum-Secretary to Government.

To

All Collectors.

Sub: Distribution of Titles to eligible persons under the ST & OTFD (RFR) Act, 2006.

Sir/Madam,

You must have taken steps for expeditious processing of the applications and distribution of titles to the eligible persons under the RFR Act, 2006 in accordance with instructions issued to you by the ST&SC Development Department consequent to vacation of stay order by the Hon'ble High Court

I am desired to say that Hon'ble MLAs and Hon'ble MPs must be kept informed about the programme for distribution of titles well in advance of the proposed date so that they may be associated with the programme.

Progress made in distribution of titles should be reported to ST&SC Development under intimation to the Revenue & DM Department.

Yours faithfully,

Sd/-

Commissioner-cum-Secretary to Government

Memo No. 36819 /CSR&DM, dated 19th September, 2009

Copy submitted to Principal Secretary, ST&SC Development Department for kind information & necessary action.

Sd/-

Commissioner-cum-Secretary to Government

GOVERNMENT OF ORISSA
ST & SC DEVELOPMENT DEPARTMENT

No. 36638/SSD

Dated, the 6th October, 2009

T.D.-II-32/2008

From

Sri S.P. Nanda, IAS,
Development Commissioner and Addl. Chief Secretary,
Bhubaneswar – 751001

To

All Collectors / RDCs.

Sub: Distribution of certificates of titles under the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 & Rules framed there under.

Madam/Sir,

Please refer to letter no. 6182 / SSD, dt. 15.02.2008 of ST & SC Development Department and D.O. Letter No. 36829 dt. 20.10.2008, Letter No. 6061 dt. 04.02.2009, D.O. Letter no. 30408 dt. 31.08.2009 of Chief Secretary and Chief Development Commissioner's regarding proper implementation of the provisions of the Scheduled Tribes and other Traditional Dwellers (Recognition of Forest Rights) Act, 2006 & Rules framed there under.

2. You were requested in the D.O. Letter no. 30408 dt. 31.08.2009 of Chief Secretary and Chief Development Commissioner to take expeditious steps to issue certificates of title to the eligible ST and other traditional forest dwellers under the aforesaid Act by 15.09.2009. In the last joint review taken by ST & SC Development Department along with Revenue & D.M. and Forest and Environment Departments on 24.09.2009, it was found that only 21,537 number of certificates of titles have been distributed in the State against 44,854 claims approved by DLCs. There was no distribution of certificate of titles in 9 (nine) districts of Central Division, Subarnapur in Northern Division and Boudh, Kandhamal, Nuapada in Southern Division. This is a sorry state of affairs. I would urge upon RDCs to review the performance of those districts, where the performance was nil and other poorly performing districts in their Division and take appropriate remedial action under intimation to Government.
3. It is surprising to note that as against 3,954 numbers of claims approved by DLCs of Central Division, only 28 title deeds have been distributed. Similarly out of 11,465 claims approved by DLCs of Northern Zone, only 3838 title deeds have been distributed. Against 29,435 claims approved by the DLCs of Southern Division, 9085 title deeds have been distributed. This is unacceptable. I would urge upon RDCs and Collectors to ensure distribution of certificates of titles in all cases approved by DLCs by 15.10.2009. It would be viewed very seriously otherwise.

4. Further the gap between the claims approved by the Palli Sabhas, claims approved by SDLCs and claims approved by DLCs are huge; I would request all Collectors to analyse the reasons for this and take pro-action steps for ensuring that gap is reduced.
5. Chief Secretary at Para-3 of his Letter no. 6061 dated 04.02.2009 had advised all Collectors that case records have to be maintained at the level of Palli Sabha. SDLC & DLC and all proceeding must be recorded. He had also advised at Para-4 of the above letter against routine verification of claims after the Gram Sabha has passed a resolution on forest right as per Section 4 (1) (c). It appears that this has not been followed in many districts and case records are being built at different levels, at the last stage after approval by DLCs. It has also been observed that Sub-Collators as Chairman of DLCs and Collectors as Chairman of DLCs are referring the cases to the Tahasildars and DFOs in a routine manner causing further delay in the processing of cases.
6. It is requested that you ensure distribution of certificates of titles in all cases approved by DLCs and also ensure all pending cases referred to the DLCs and pending at the level of SDLCs are processed expeditiously and certificates of titles are distributed. The provisional certificates of titles should be prepared in good paper in five copies, one for retention in the Districts, one for Sub-Division, one for Tahasil, one for D.F.O and the last one for individual as per the guidelines mentioned in the Act. The title deeds should be compared and signed before distribution by the issuing authority.
7. For the implementation of the Act / Rules, PA, ITDAs / Project Director, DRDAs (in non-TSP areas) have been authorized to spend money from Article-275 (1) if the Constitution for specified purpose towards engagement of contractual R.I., Amin, Data Entry Operators and awareness generation, writing of pattas, printing, photo copying and contingencies etc.
8. The certificate of titles should be distributed preferably at the G.P. headquarters in the presence of that local people representatives (M.P., M.L.A Chairman, Zilla Parishad / Panchayat Samiti) wherever possible so that no beneficiaries would come to the District / Sub-Division or Block Headquarters incurring unnecessary expenditure.
9. I would urge upon you to take all possible steps to ensure the distribution certificates of title in a mission mode and distribution the same to the beneficiaries by 15th October, 2009 and upload correct data by engagement of Data Entry Operators as required with the help of DIO, NIC.

Yours faithfully,

Development Commissioner and Addl. Chief Secretary

**GOVERNMENT OF ODISHA
ST & SC DEVELOPMENT DEPARTMENT**

No.36639 / SSD

Dated the 6th October, 2009

T.D.-II-32 / 2208

From

**Sri S.P.Nanda, IAS
Development commissioner and Addl. Chief Secretary,
Government of Odisha,
Bhubaneawar – 751001**

To

All RDCs / Collectors.

Sub: Poor Implementation of the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006 Rules framed there under in particular Vulnerable Tribal Groups (PTGs).

Madam / Sir,

It has been brought to the notice of Government that the number of claims filed under the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006 & Rules framed in PTG / Micro Project areas are negligible. The claims of this finally approved by DLCs are therefore, very less.

Tribes residing in the Micro Project areas should have benefited under the Act / Rules on priority. I would, therefore, requested you to organize special awareness campaigns in the Micro Project area ensure training of Special Officer of Micro Project and other connected officials and active the FRCs and Palli Sabhas in the area. You should ensure that the claims of this area are processed expeditiously by SDLCs and DLCs and reviewed by you specially every fortnight. The figure relating to the Micro Project are should be reported by you separately in the monthly progress report henceforth.

Yours faithfully,

Development Commissioner and Addl. Chief Secretary

**GOVERNMENT OF ORISSA
REVENUE & DISASTER MANAGEMENT DEPARTMENT**

No . CB-II-R-14/09 38997/ R&D.M., Dated, Bhubaneswar, the 8/10/09

From:

Shri B.N. Das,
Special Secretary to Government.

To

All Collectors.

Sub: Inter-active Training Programme with Field Level Officers under Gramsat Pilot Project

Ref: Revenue & D.M. Deptt. Letter No. 2194/R&DM., dated 21.01.2009.

Sir/Madam,

I am directed to invite reference to the subject mentioned above and to say that next Inter-active Training Programme (ITP) with Field Level Officers will be conducted on 19.10.2009(Monday)from 10.30 A.M. to 1.30. P.M. at Main Studio of ORSAC complex, Bhubaneswar and the discussion will be held on following subjects. The Hon'ble Minister, Revenue & Disaster Management has given kind consent to Chair this Gramsat Programme.

1. Progress of S.Ts and Other Traditional Forest Dwellers(R&FR) Act, 2006.
2. Progress of Mo Jami – Mo Diha Campaign.
3. Progress of Basundhara Scheme.
4. Regulation 2 of 1956.
5. Land Pass Book.
6. Distribution of Govt. land for agricultural purpose.
7. Filling up vacancy position in Tahasil and R.I. Offices.
8. Conferring of Dafayati to Rights.

You are, there-fore, requested to please make it convenient to attend the Inter-active Training Programme along with concerned Field Level Officers in the Video Conference Hall. The Commissioner-cum-Secretary to Govt., Revenue & D.M. Deptt./Addl. Secretary to Govt., Revenue & D.M. Deptt./Director, Land Records & Surveys & Consolidation, Orissa, Cuttack will act as Resources Persons in the Programme. If you intend to inter-act with Resource Persons during the programme, you may dial Tel.0674-2300733.

Yours faithfully,

Sd/-

Special Secretary to Government.

PTO)

Memo No.....//R&DM., dated, the

Copy forwarded to Private Secretary to Hon'ble Minister, Revenue & Disaster Management for kind information of Hon'ble Minister.

Sd/-

Special Secretary to Government.

Memo No.....//R&DM., dated, the

Copy forwarded to Private Secretary to Commissioner-cum-Secretary, Revenue & Disaster Management for kind information of Commissioner-cum-Secretary.

Sd/-

Special Secretary to Government.

Memo No.....//R&DM., dated, the

Copy forwarded to Sri K.P. Dash, Addl. Secretary to Government, Revenue & Disaster Management Deptt. / Sri Jagannath Behera , Addl. Secretary to Government, Revenue & Disaster Management Deptt for information.

Sd/-

Special Secretary to Government.

Memo No. 39001 //R&DM., dated, the 8/10/09

Copy forwarded to all Heads of Deptt. under Revenue & Disaster Management Deptt. for information and necessary action.

Sd/-

Special Secretary to Government.

Memo No..... //R&DM., dated, the

Copy forwarded to all Desk Officers/Section Officers of Revenue & Disaster Management Deptt. except Accounts/Audit/Legal Cell/Budget Sections for information and necessary action. They are requested to furnish notes on topics relating to their Branches by 15.10.2009 to Co-ordination(B)Br.

Sd/-

Special Secretary to Government.

Memo No. 39003 //R&DM., dated, the 8/10/09

Copy forwarded to Chief Executive, ORSAC, Bhubaneswar FAX No. 2300681 for information and necessary action.

Sd/-

Special Secretary to Government.

**GOVERNMENT OF ORISSA
S.T. & S.C. DEVELOPMENT DEPARTMENT**

No 36899 / SSD.
Stat. & D.Cell-27/09

Bhubaneswar dated 09.10.09

From:

Shri Biswar Kumar Nayak,
Special Secretary to Government.

To

The Collector, Mayurbhanj/Angul/ Keonjhar/Sundergarh/Gajapati/Ganjam/
Rayagada /Malkangiri/Kandhamal/Deogarh/Kalahandi/Nuapada.

Sub: Distribution of title deeds land to the landless Scheduled Tribe person belonging to Particularly Vulnerable Tribal Groups (PTGs) under the STs and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.

Madam/Sir,

I am directed to invite a reference to Letter No.36639/SSD., dt 6.10.09. of Development Commissioner and Addl. Chief Secretary on the above subject and to say that during the visit of Hon'ble Minister, SC &ST Development, Minorities & Backward Classes Welfare, Orissa, to different Districts, it has come to his notice that so many tribal people are rendered landless. The STs & Other Traditional Forest Dwellers (Recognition of forest Rights) Act, 2006 has given ample scope for conferring title to these groups. The performance of distribution of the titles in PTG/Micro Project areas is quite negligible.

It is, therefore, requested to kindly look into the matter personally and see that all PTG Tribal persons in PTG/Micro Project areas are provided with title deeds under the provisions of above Act, 2006 and no one is left for any reason whatsoever.

Action taken in this matter may please be reported for kind appraisal of Governor.

Yours faithfully,

Sd/-

Special Secretary to Government

Memo No.36900 /SSD. dt 9.10.09.

Copy forwarded to all PA, ITDAs /Special Officer, Micro Projects for information & necessary action.

Sd/-

Special Secretary to Government

**GOVERNMENT OF ORISSA
REVENUE AND DISASTER MANAGEMENT DEPARTMENT**

No 40938 /CSR&D.M. Dated 23.10.2009

From :

Shri R.K. Sharma, IAS
Commissioner-cum-Secretary to Government

To

All Collectors

Sub: Grant of Titles to ST persons under RFR Act, 2006.

Sir/Madam,

This is to say that during video conference to review the progress of grant of Forest Rights to eligible persons held on 21.10.09, a number of Collectors and DFOs have stated that they are awaiting stage 2 clearance in respect of pre-1980 encroachment cases for which stage 1 clearance has been granted by the Government of India.

It may be noted that for the eligible cases under RFR Act, 2006 i.e., cases of possession of forest land by ST persons prior to 13.12.05, there is no necessity of waiting for stage 2 clearance any more. It has been clarified in the video conference that titles may be issued in all such eligible cases under the RFR Act, 2006 and not under the special dispensation of Forest Conservation Act. Since the maps and supporting documents for all such cases are readily available, these cases may be granted forest titles on priority basis.

You are instructed to take steps accordingly.

Yours faithfully,

Sd/-

Commissioner-cum-Secretary to Government

Memo No 40939/CSR&DM, dated 23rd October, 2009

Copy submitted to Principal Secretary to Government, ST & SC Development Department for kind information.

Sd/-

Commissioner-cum-Secretary to Government

GOVERNMENT OF ORISSA
FOREST & ENVIRONMENT, DEPARTMENT
No. 10F (cons) 6/2008 19902/F&E, Dated: 25.11.09

From,

Sri L.D. Sethi
Joint Secretary to Government.

To

The Principal Chief Conservator of Forests, Orissa.

Sub.: Claims under the Forest Rights Act.

Ref.: Your letter No. 16092 dt. 26.10.2009

Sir,

With reference to the above mentioned communication on the captioned subject, I am directed to say that Section 4(3) of the Scheduled tribe & Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 stipulates that the recognition and vesting of forest rights under the Act to the forest dwelling Scheduled Tribes and to other traditional Forest Dwellers in relation to any State or Union territory in respect of forest land and their habitat shall be subject to the condition that such scheduled Tribes or tribal communities or other traditional forest dwellers had occupied forest land before the 13th day of December, 2005. Further Section 2(o) of the Act defines the terms "other traditional forest dwellers" that any member or community who has for at least three generations prior to the 13th day of December, 2005 primarily resided in and who depend on the forest or forests land **for bona fide livelihood needs**. For the purpose of understanding, the terms 'generation' has been taken a period of twenty five years.

From the above provision, it is understood that claimants belonging to tribal communities must have been in occupation of the forest land prior to 13th December, 2005 so as to be eligible to put forth their claims under the provisions of the ST & OTFD (RFR) Act, 2006 where as the claimants belonging to 'other traditional forest dwellers' should have been in possession of a tract of forest land three generations prior to 13th December, 2005 i.e. from 13th December, 1930 for which claims are being made by them under the present Act.

Regularization of Pre – 1980 eligible category of forest encroachments includes the cases of people belonging to both the tribal and non-tribal groups. These cases of forest encroachments which have been effected prior to 25.10.1980 i.e the day from which the

Forest Conservation Act was enforced, can be regularized subject to compliance of stipulations of Govt. of India, MoEF final approval order.

Therefore apparently, there is nothing wrong in settling the claims of eligible tribals under the provisions of Scheduled Tribes & Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 whose cases have already been processed under the Forest Conservation act, 1980 / Supreme Court Directive for pre-1980 regularisation. However, the claims of 'other traditional forest dwellers' can not be settled under the Scheduled Tribes & Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 unless they are in possession of such land prior to 13th December, 1930. Rather these cases which have been processed for pre-1980 regularisation, can be settled in favour of eligible claimants subject to compliance to stipulations prescribed by Govt. of India, MOEF in their final approval order in this respect.

Yours faithfully,

Sd/-

Joint Secretary to Government

Memo No. 19903 / F&E Dt. 25.11.09

Copy forwarded to the Principal Secretary, ST&SC Development Department / Principal Secretary, Revenue & Disaster Management Department for information and necessary action.

Sd/-

Joint Secretary to Government

Shri Ashok K.Tripathy, I.A.S.,
Principal Secretary to Government,
ST&SC Development and Minorities
& Backward Classes Welfare Deptt.
Government of Orissa

Phone No.0674-2536672(0)
Fax No 0674-2396806
Email:welsec@ori.nic.in.
Bhubaneswar

D.O. No. 43137/
Dated 2nd December, 2009

Dear

1. During the last review of performance of Districts and Revenue Divisions under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, Hon'ble Chief Minister had instructed that there should be 100% coverage of Particularly Vulnerable Tribe Groups (earlier named as Primitive Tribal Groups (PTG) under the Forest Rights Act, 2006.
2. From the information furnished by you (Annexure-1), the distribution of titles under the Act in different Micro Projects is not satisfactory in many districts except SDA, Chandragiri (Gajapati district), BDA, Mudulipada (Malkangiri District) and JDA, Gonasika (Keonjhar district).
3. I would request you to analyze the reasons for unsatisfactory performance in other Micro Projects (Annexure-1) and take the following steps:-
 - a) Train the Special Officers of Micro Projects through Master Trainers.
 - b) Do awareness generation about the Act/Rule in Micro Project areas through tribal cultural troupes or NGOs.
 - c) Ensure receipt of individual/community applications from all households, process the applications received through "squad approach".
 - d) Then monitor the processing of applications through Grama Sabha, SDLC and DLC at each stage.
 - e) Ensure the distribution of titles through concerned MLAs/Zilla Parishad / President/Panchayat Samiti Chairman/Collector/DFO/PA, ITDA.

Yours Sincerely,
Sd/-
(Ashok K.Tripathy)

Shri B.P. Panda
Collector & District Magistrate, Nuapada,
At/Po-Nuapada, Dist:-Nuapada
Pin-766105

Memo No 43138 Dated 02.12.09

Copy forwarded to Shri Chandra Sekhar Kumar, IAS, Revenue Divisional Commissioner (SD), Berhampur, At/Po:-Berhampur, Dist:-Ganjam, Pin-760004 for favour of kind information and necessary action.

Sd/-
Principal Secretary to Govt.
ST & SC Dev. Department

**Government of Orissa
Panchayati Raj Department**

Letter No. 38708 /PR dated 05.12.09

II-NREGS-43/09

From

**Sri S.N. Tripathi, IAS
Commissioner-cum-Secretary**

**Sri A.K. Tripathy, IAS
Principal Secretary**

To

**All Collectors-cum-DPCs /
All PD, DRDAs. / All PA ITDAs**

Sub.: Land Development, Horticulture Plantation and Farm Pond in the Land of Beneficiaries under Forest Rights Act under NREGS – regarding.

Sir,

Inviting a reference to the subject cited above, I am directed to say that para – 1 (iv) of amended schedule – 1 of NREG Act provides for irrigation facility, horticulture plantation and land development facilities including farm pond to land owned by households belonging to SC & STT or BPL families or beneficiaries of land reforms or beneficiaries under IAY or small and marginal farmers. It has been decided to cover beneficiaries of land under Forest Rights Act under Land Development, Horticulture Plantation and Farm Pond under NREGS to improve their livelihood status.

Therefore, you are requested to take up Land Development, Horticulture Plantation and Farm Pond in the Land of Beneficiaries under Forest Rights Act under NREGS in consultation with PA, ITDA and Agriculture Department at the District level as per the following guidelines.

Eligibility of Beneficiaries:

The beneficiaries of land under Forest Rights Act those who belong to any of the category of BPL / ST / SC / IAY / Land Reform beneficiaries / small and marginal farmers families are eligible for this programme. They must be registered job card holders issued by the Gram Panchayat under NREGA.

Selection of Beneficiaries:

Selection of beneficiaries for this programme shall be done by Palli Sabha. List of selected beneficiaries shall be approved by respective Gram Sabha. The projects shall be part of the annual shelf of projects and will be approved as per NREGS Guidelines.

Nature of Assistance:

Depending on the land holding, selected beneficiaries can take up Land Development, Horticulture Plantation and farm Pond in their lands out of NREGA fund subject to prescribed ceiling of Rs.50,000/-. Expenditure beyond the prescribed ceiling shall be voluntarily contributed by concerned beneficiaries, DRDAs should make standard design and estimate of the works within the prescribed ceiling.

Implementing Agency:

Orissa Watershed Development Mission (OWDM), Orissa Tribal empowerment and Livelihood Programme (OTELP), Orissa State Forestry Development Programme (OSFDP), Directorate of Soil Conservation, Panchayat Samiti and Gram Panchayat will be the implementing agencies for execution of this programme.

Fund Flow:

The funds for this programme will be released to Line Departments from concerned DRDAs directly. The Panchayat Samitis and Gram Panchayats will execute from their available funds under NREGS.

Implementation Procedure:

- i. Selected beneficiaries will apply to the respective BDO-cum-Po in case of non-watershed areas and to the PIA in case of watershed areas with all relevant documents including copy of ROR in support of owning land.
- ii. The concerned BDO-cum-PO/PIA shall arrange for field enquiries to judge the eligibility of the beneficiary and feasibility of the project through field staff.
- iii. After field enquiry, if the beneficiary found eligible and project is feasible, the work order will be issued in favour of beneficiary. All the documents and enquiry report will be kept in the concerned case record.
- iv. This programme will be executed by engaging the family members (Registered with the GP under NREGA) of the beneficiary as well as other registered job seekers of the GP.
- v. Still photographs before, during and after completion of the project must be taken which will also form part of the case record.
- vi. Before commencement of the work, the BDO / PIA will move to DRDA for online technical sanction and financial sanction.
- vii. Unique numbered muster roll shall be collected from the office of BDO-ucm-Programme officer.
- viii. Payment shall be made on piece rate i.e. out turn basis (not on wage-rate basis).

- ix. For better supervision and monitoring, works should be taken up in cluster to the extent possible.
- x. Extensive IEC activities shall be under taken for awareness and transparency measures.
- xi. The wages of the laboureres will be transferred to their savings accounts through Bank / Post office.
- xii. Copy of the muster roll along with other expenditure will be submitted to the concerned Panchayat Samiti for online entry and to Gram Panchayat for record.
- xiii. Online entry of expenditure and other details shall be done by Panchayat Samiti.
- xiv. DPC-cum-Collectors of Districts will issue further detail instructions / Guidelines, if needed, for smooth Implementation of this mission.
- xv. Provisions of NREGA shall be strictly observed, in letter and spirit while implementing this mission.

This is for your information and necessary action.

Sd/-
(A.K. Tripathy)
Principal Secretary

Yours faithfully,
Sd/-
(S.N. Tripathi)
Commissioner-cum-Secretary

Memo No. 38709 /PR dated 05.12.09.

Copy forwarded to all RDCs for information and necessary action.

Sd/-
Commissioner-cum-Secretary

Memo No. 38710 /PR dated 05.12.09.

Copy forwarded to Agriculture Department / Water Resources Department / Forest Department / SC & ST Department for information and necessary action.

Sd/-
Commissioner-cum-Secretary

Memo No. 38711 /PR dated 05.12.09.

Copy forwarded to Principal Chief Conservator of Forest, Bhubaneswar / Director, Agriculture & Food Production, Orissa / Director (Watershed Mission) / Director (Soil Conservation) / Director (Horticulture)/ Director (Fisheries) for information and necessary action.

Sd/-
Commissioner-cum-Secretary



Shri Ashok Kumar Tripathy, IAS
Principal Secretary to Govt.
S.T. & S.C. Development Department,
Government of Odisha

Phone No. 0674-2536672 (0)
Fax : 0674-2396806
Email : welsec@ori.nic.in
Bhubaneswar
D.O. No. 44228 / SSD
File No. TD-II32/2008
Date 14.12.09

Dear

Sub:- Engagement of Retired R.I.s / Amins and Advocate for the land entitlement to the Scheduled Tribes as per Regulation 2 of 1956 of the Scheduled Area, under the Forest Rights Act, 2006 and other Revenue Laws in OTELP villages.

Please refer to letter No.1472 dt.11.11.2009 of Programme Director, OTELP Bhubaneswar, where in it has been intimated to expedite the restoration of lands in favour of tribals which are under possession of non-tribals under the provisions of Regulation 2 of 1956 within the programme villages of OTELP as per the decisions taken in the 8th meeting of Programme Steering Committee held on 29.10.2009 under the Chairmanship of the Chief Secretary, Orissa. In this connection, the decisions were taken as follows: -

2. Engagement of retired R.I.s / Amins in every programme village / group of villages, who will be entrusted with the works relating to cases under Regulation 2 of 1956, identification of eligible beneficiaries, collection of applications from the beneficiaries and processing the same and survey of scheduled land under the Regulation 2 of 1956, the Forest Rights Act, 2006 and other Revenue Laws.
3. Advocates may be engaged for every programme Block / group of Blocks / Tahasils for expediting of cases pending under Regulation 2/1956 in the court of Sub-Collector/ OSD (LR) in the district as well as in other Superior Courts / Honourable High Court, Orissa in respect of OTELP programme villages and to provide legal defence to the tribal landless people for expeditious disposal of such cases. The Advocates may pursue their revenue cases in the Courts of Tahasildars, Sub-Collectors, ADMs / Collectors and other Superior Courts.
4. The expenditure to be incurred for engagement of retired RIs 1 Amins and Advocate may be met from the Legal Defence Funds of OTELP placed with the P.A., ITDAs. The wages / payment will be settled basing on success rate of the cases undertaken and duly certified by the officers authorized for the purpose.
5. Your plan of action and engagement of required personnel like retired R.I.s / Amins and Advocates along with the list of authorized officers may kindly be furnished to P.D, OTELP. You should ensure that tribals of OTELP villages in OTELP Blocks of your district get land rights under various Revenue Laws and Forest Rights Act.

Yours Sincerely
Sd/-
(Ashok K. Tripathy)

Collectors (By name)

(Gajapati, Kalahandi, Kandhamal, Koraput, Malkangiri, Nawarangapur & Rayagada)

Memo. No. 44229, Dated 14.12.09

Copy forwarded to P.D., OTELP, IDCCOL Building, 2nd Floor, Bhoi Nagar, Bhubaneswar-751007 for kind information w.r to his letter No. 1472 dated 11.11.09.

Sd/-
Principal Secretary to Govt.
ST & SC Development Department

Government of Orissa
Revenue & Disaster Management Department

No 48387 /R&DM,
GE(GL)-S-23/09(Pt.)

Dated the 15th December, 2009

From

Shri B.N. Das
Special Secretary to Government

To

All Collectors.

Sub: Grant of titles to ST persons under ST & OTFD (RFR) Act, 2006.

Madam/Sir,

I am directed to say that vide this Department letter No. 40938 dated 23.10.2009, instructions have been issued to take necessary steps for issuing titles under The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 in favour of the eligible Pre-1980 ST encroachers whose cases have, already been processed under Forest (Conservation) Act, 1980 for regularization, without waiting for stage-II clearance by Government of India, MoEF.

However, during the last review(through video conferencing) on 9.12.2009 on progress of grant of forest rights under RFR Act, 2006, it has come to the notice of this Department that some field level revenue/forest functionaries have not acted upon the aforesaid instructions till date. In fact, it has been clarified in the video conference held on 21.10.2009 that titles may be issued in all such eligible cases of ST population under RFR Act, 2006 and without waiting for regularization of Pre-1980 encroachments under the provisions of Forest(Conservation) Act, 1980.

In this connection, the Forest & Environment Department in its letter No. 19902 dtd.25.11.2009 has also advised the PCCF, Orissa in the same line. A copy of the letter is enclosed for reference.

Since Government of India as well as the State Government are attaching utmost importance to distribution of titles in favour of all eligible claimants under RFR Act, 2006 within a specific time, you are requested to give personal attention to the matter and ensure issuance of titles to all such eligible ST persons under RFR Act, 2006 irrespective of the fact that their cases have been processed under Forest (Conservation) Act, 1980.

Progress made in this regard may please be intimated to ST&SC Development Department as well as to this Department from time to time.

Yours faithfully,

Sd/-

Special Secretary to Government

Memo No 48388 /R&DM, dated 15th December, 2009.

Copy forwarded to Principal Secretary to Government, ST&SC Development Department / Forest & Environment Department for information and necessary action with reference to Forest & Environment Department Memo No.19903/dtd.25.11.2009.

Sd/-

Special Secretary to Government

**GOVERNMENT OF ORISSA
ST & SC DEVELOPMENT DEPARTMENT**

No 45659 /SSD Dated , Bhubaneswar the, 26.12.09.
TD-II-32/08

From,

Sri B.K. Nayak
Special Secretary to Govt.

To,

All Collectors.

Sub: Implementation of STs and Other Traditional Forest Dwellers.(Recognition of Forest Rights)Act,2006.

Sir,

I am directed to refer to the subject cited above and say that in the review meeting through video conferencing on Implementation of STs and Other Traditional Forest Dwellers. (Recognition of Forest Rights) Act*2006, the deficiencies noticed and instructions issued verbally are reiterated below:

1. It is mandatory to communicate the copy of the final order of Grama Sabha/SDLC/ DLC to the claimants of both individual and community claims, so that the applicant can know the position of his claim to go for appeal, wherever necessary. This was mentioned at Para-3 of letter No. 6061/TD-II-51/08 Dtd.04.02.09 of Chief Secretary, Govt. of Orissa.
2. It is found from the review meeting that No. of claims settled in the Revenue Forest is more than the claims received from the Protected and Reserved Forest. So expeditious steps may be taken to issue instructions to the field functionaries for collection and settlement of claims in the Reserved and Protected forest. Hence forward, the information regarding settlement and distribution of titles may be shown separately under Col.24 & 25 of the return in respect of Revenue Forest and PF/RF with areas.
3. It is found that some villages out of the village list of Census 2001 are left out, in which the FRCs have not been constituted as yet. So you are requested to please verify the list of villages as per the census figure and the claim applications may be collected by constituting FRCs in those villages. The village list under Tahasil / District with that of Census 2001 may be reconciled and result thereof intimated.

4. The working plans for the reserved Forest of your district, available with DFOs contain individual and community rights. Reserved Forest Notifications also contain individual/community rights. This may be shared with Grama Sabha, SDLC and DLC. The community claims as mentioned may please be processed pro-actively in those areas, so that the titles will be distributed in Community Right Cases.
5. It has come to the notice that, in most of districts uploading of data are made at DLC level. Hence, most of the data available with SDLC and Grama Sabha are not uploaded. So the uploading datas should be made at SDLC level, where all the records received and claims received from the Grama Sabha could be uploaded.
6. The Utilization Certificate has not been received from most of the districts on the amount released under Article-275(1) for implementation of Forest Right Act. The U.C. may please be sent to this Dept. for further release of funds.

You are therefore requested to take remedial measure on above points quickly under intimation to this Department.

Yours faithfully,

Sd/-

Special Secretary to Government

Memo No 45660 , Dt. 26.12.09

Copy forwarded to DFOs (By name) / all PA, ITDA (By name)/all Special Officer, Micro Project(By name)/all DWOs (By name) for information and necessary action.

Sd/-

Special Secretary to Government



SHRI ASHOK KUMAR TRIPATHY, IAS
Principal Secretary to Govt.
S.T. & S.C. Development Department,
Government of Orissa

2322757(0)
Fax : 2393249, 2396806
Email: welsec@ori.nic.in

D.O. No. 46126 / SSD
Date 31.12.09

Dear

Revenue Department has already clarified vide their Letter No. 40938 dt. 23.10.2009 that Pre-1980 encroachment cases relating to tribals can be settled under "The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006". The information relating to Pre-1980 encroachment cases for 25 districts is given in Annexure-I. I would request you to kindly discuss with DFOs to ensure that the information is shared by him with you, Sub-Collectors and concerned Gram Sabhas. Individual applications can then be collected and processed upwards pro-actively so that all Pre-1980 encroachment cases relating to tribals can be settled under the Forest Rights Act, 2006.

Similarly Section 4 (5) of "The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006" provides that "no member of a forest dwelling Scheduled Tribe or Other Traditional Forest Dweller shall be evicted or removed from forest land under his occupation till the recognition and verification process is complete". Hence tribals who were in occupation of forest land till 13th December, 2005 can now be settled under the Forest Rights Act, 2006. It has been brought to our notice that 28,371 encroachment cases were pending in different districts till date (Annexure-2). The cases of tribals among these encroachments can now be settled under the Forest Rights Act, 2006. I would, request you to discuss with your DFOs and ensure settlement of above categories of tribal encroachments (till 13th December, 2005) of forest land under the Forest Rights Act, 2006.

Yours Sincerely,
(Sd/-)
(Ashok K. Tripathy)

All Collectors (by name)

Memo. No. 46127 Dated . 31. 12. 09

Copy along with enclosures forwarded to Principal Secretary to Govt. Forest & Environment Department / Commissioner-cum-Secretary to Govt. Revenue & Disaster Management Department / ROCs (by name) for favour of kind information and necessary action.

Principal Secretary to Govt.
ST & SC Development Department

Annexure - I

INFORMATION SHEET ON PROPOSAL SENT TO GOVT. OF INDIA FOR REGULARISATION OF PRE - 1980 ENCROACHMENT

Sl. No.	District	No. of Pre-1980 encroached Villages/forest Villages	Area in Ha. To be regularized	Families to be benefited	Area for C.A. in Ha	Cost of C.A. (in Rs.)
1	Sonepur	5	5.0281	180	6	152,800.00
2	Angul (F.V.)	2	226.3217	130	234.5319	4,660,575.00
3	Angul	5	4.6674	96		
4	Boudh	4	87.955	74	87.95	4,122,130.00
5	Ravagada	13	14.34	223	14.34	190,180.00
6	Nawarangpur	21	679.608	504	680.04	12,803,000.00
7	Sundergarh	10	296.117	264	297.198	8,495,000.00
8	Kalahandi (F.V.)	3	359	96	359	5,126,000.00
9	Kalahandi	26	416.154	264	416.148	5,324,000.00
10	Gajapati	30	183.285	270	253.29	4,541,057.00
11	Khurda	3	74.12	54	93.12	805,000.00
12	Dhenkanal	11	214.112	214	214.112	5,010,000.00
13	Jajpur	10	385.53	566	385.55	8,867,190.00
14	Cuttack	5	65.241	133	66	1,510,000.00
15	Kondhamal	20	438.317	265	430	5,466,000.00
16	Koraput	25	446.995	511	446.995	6,391,936.00
17	Ganjam	32	504.5639	505	504.9928	11,029,668.00
18	Nayagarh	3	29.3208	144	29.8049	577,620.00
19	Mayurbhanj	4	10.666	95	18	180,000.00
20	Bargarh	1	0.08	5		

21	Bargarh (F.V.)	3	172.6104	141	220	2,220,000.00
22	Sambalpur	6	2.75	16	5.5	39,204.00
23	Jharsuguda	11	52.36	293	67.26	1,188,306.00
24	Deogarh	2	45.3869	43	46.2347	933,903.00
25	Nuapada	8	14.551	27	15.063	301,260.00
	TOTAL	263	4729.0802	5113	4891.13	90,134,829.00

Annexure - II

POST 1980 Illegal Encroachment of Forest Land

Name of the Forest Division	Area under encroachment (ha)	No of cases Booked in Court of Law (12/01)
Angul	947.89	136
Athagarh	45.597	192
Athamallik	16.0647	31
Baliguda	2892.922	27
Bamra	31.87	77
Baramaba (W/L)		
Baripada	588.415	549
Bolangir	1330.77	547
Boudh	84.454	55
Chandaka (W/L)	97.77	53
Deogarh	89.94	185
Dhenkanal	336.739	770
Ghumsar (N)	378.831	251
Ghumsar South	401.507	603
Jaypore	1683.8866	1978
Kalahandi	286.49	137
Kanungla	415.056	652
Konjhar	4331.0489	1416
Koraput	323.231	347
Mahanadi (W/L)		

Mangrove Forest Division Rajnagar	4796.072	488
Nabarangpur	18129.704	12104
Nayagarh	242.95	27
Paralakhemundi	2478.034	2381
Phulbani	688.46	756
Puri	1390.13	385
Rairakhol	229.42	158
Rayagada	2298.182	1931
Sambalpur	288.9364	40
Satkosia	1.214	1
Sunabeda (W/L)	5.247	11
Sundargarh	2484.227	2101
Total	47304.1269	28371

GOVERNMENT OF ORISSA
REVENUE AND DISASTER MANAGEMENT DEPARTMENT

No. 68 /CSR&D.M. Dated 4th January, 2010

From:

Shri R.K. Sharma, IAS
Commissioner-cum-Secretary to Government

To

All Collectors.

Sir/Madam,

It has been brought to the notice of the Government that a number of applications received under the "Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006" relate to revenue non-forest land. Such applications are, therefore, being rejected by the committees constituted under the Forest Rights Act.

As you are aware, the policy of the Government is to provide homestead land to all homesteadless persons. Surveys have been conducted under the "Vasundhara" scheme for covering all such homesteadless persons for grant of land in the past. Hence applications that cannot be considered under the FR Act, 2006 should be taken up under the relevant land laws applicable for non-forest lands.

There are provisions in the Orissa Government Land Settlement Act and the Orissa Prevention of Land Encroachment Act for settlement of Government land in favour of eligible persons. These provisions should be utilized in all deserving cases.

Hence you are directed to ensure that all eligible cases relating to non-forest land should be considered and provided Land under the OGLS Act and OPLE Act proactive following due procedure in all cases where the application under Forest Right Act are rejected on the ground that the land occupied by the applicant is not forest land.

These instructions should be brought to the notice of all Sub-Collectors, Tahsiladars, Revenue Inspectors and other field functionaries of Revenue Department for strict compliance.

Yours faithfully,

Sd/-

Commissioner-cum Secretary to Govt.

Memo. No. 369 / CSR & DM dated 4 January, 2010

Copy submitted to Secretary, Board of Revenue, Orissa, Cuttack/Principal secretary, ST&SC Development Department/ all Revenue Divisional Commissioners for kind information and necessary action.

Sd/-

Commissioner-cum Secretary to Govt.

Memo. No. 370/ CSR & DM dated 4 January, 2010

Copy to PS to Minister, R&DM for kind information of Honourable Minister.

Sd/-

Commissioner-cum Secretary to Govt.

SHRI SURJYA NARAYAN PATRO
MINISTER
Revenue & Disaster Management
Orissa

Office: (0674) 2536952
Phone EPABX: 2173
Res: (0674) 2555244
E-mail: surjyapatro@rediffmail.com
D.O. No 71 /MR&DM
BHUBANESWAR
Dated the 5/1/2010

Dear

Please recall our discussion today Morning i.e., on 04.01.2010 regarding Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006. It is understood that the applications which relates to forest land under this Act are being allowed but the applications received under the said Act relating to revenue non-forest land are being rejected by the Committee constituted under the Forest Right Act. In order to be away with such difficulties and since the policy of Government is to provide homestead land to all homestead less persons, it has already been instructed that the concerned authorities are to treat the applications in case of non-forest land under Basundhara under the OGLS Act. In this connection, the Department of Revenue have further issues an order to all Collectors, the copy of which is enclosed for your reference.

With regards,

Yours sincerely
Sd/-
(Surjya Narayan Patro)

Mr. Sanjoy Patnaik ,
State Director, RDI
Flat No.1/2, Plot No. N-2/43
Shreemaa Enclave, IRC Village,
Bhubaneswar

**GOVERNMENT OF ORISSA
ST & SC DEVELOPMENT DEPARTMENT**

No. 1567 / SSD. Dated, Bhubaneswar the
Stat. & D. Cell-28/09

06.01.2010

From

Shri B. K. Nayak
Special Secretary to Govt.

To

The Director,
SC & ST Rand TI,
CRP Square, Bhubaneswar.

Sub:- Organization of Training Programme for Tribal Youths on implementation of Forest Rights Act-2006 & Other Welfare Programmes.

Sir,

I am directed to refer to the subject cited above and say that the Govt. have been pleased to organize training programme for 200 tribal youth from each district this year on implementation of Forest Rights Act-2006. Apart from this, the tribal youths should be sensitized about various schemes like Art. 275 (I) / SCA to TSP / Other CSP / CP Schemes meant for ST people.

2. I would request you to organize these training programmes from time to time under prior intimation to this Deptt.
3. Besides, as per the discussion held in the chamber of Principal Secretary on 1st January 2010, you are requested to print 15,000 copies of above Act and Rules in English and Oriya, out of which cost of 10,000 copies may be met from the funds placed with you recently under for Art. 275 (I) for the purpose and the rest will be borne by PO, OTELP from his funds under awareness schemes for the beneficiaries covering under the scheme.

Yours' faithfully,

Sd/-
Special Secretary to Govt.

Memo No. 1568 / Dt. 06.01.2010
Copy forwarded to PO, OTELP for information and necessary action.

Sd/-
Special Secretary to Govt.



Biswar Kumar Nayak
Special Secretary to Govt.
S.T. & S.C. Development Department

D.O. No. 3435 / Bhubaneswar
Stat & D. Cell-28/09
Date 27.01.10

Dear

Sub:- Implementation of STs and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.

It has come to the notice of the Government that PRI members of DLC and SDLC are not aware of the Forest Rights Act / Rules and availability of forms under the said Act. Therefore, Govt. in ST & SC Dev. Deptt. have been pleased to take the following decisions for sensitization and active participation of PRI representative at the District, Sub-Division, Block and GP level, so that the benefits under the STs and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 would be reached out to all target groups.

1. Half day training programme for President, Vice-President and all members of Zilla Parishad may be organized at District Headquarters. TA/DA may be provided to them on the training day as per the guidelines of PR Deptt. along with working lunch. They may be provided with one / two page guidelines in Oriya on Forest Rights Act, 20-25 nos. individual claim forms & 5-10 nos. of community right claim forms along with Oriya / English version of Forest Rights Act /Rules.
2. Half day training programme for Chairman / Vice-Chairman and all members of Panchayat Samiti may be organized at Block Headquarters. Similar training programme be organized for Sarpanch, GP Secretary and all Ward Members at GP Headquarters with provision to give TA/ DA as per guideline of the PR Deptt. along with working lunch. They may be provided with one / two page guideline on the Forest Rights Act, 20-25 nos. individual claim forms & 5-10 nos. of community right claim forms along with Oriya / English version of Forest Rights Act and Rules.

3. Training Programme for all FRC members may also be organized at GP level through Master Trainers or the NGOs of the District and for the members of DLC and SOLC at District Headquarters. TA, DA and working lunch should also be provided to these members.
4. Training Programme may be arranged by you on the Forest Rights Act / Rules and other important welfare programmes for the ST people like Article-275(1) / SCA to TSP / Other CSP/ CP Schemes for Tribal Youths by selecting five (05) Tribal Youth (Graduate / Matriculate / 7th Class Pass (below 30 years of age) from each village of Scheduled Area / MAOA Block/ DTDP Area/Clusters so that the Tribal Youth will act as facilitator to the villagers.
5. Expenditure can be met out of the funds available under article-275(1) and if more funds are required, you may intimate the same along with submission of UC for previous amount allocated.

I would request you to organize these training programmes at various levels within a period of 15 days and intimate the dates with details of said training to this Deptt. for record.

Yours sincerely,

(B. K. Nayak)

To

All Collectors (by Name)

Memo No. 3436 dt. 27.01.10

Copy forwarded to the Principal Secretary, Forest & Environment Deptt. / Commissioner-cum-Secretary to Govt., Panchayati Raj Deptt. / Commissioner-cum-Secretary, Revenue & Disaster Management Deptt. / All ROCs for information and necessary action.

Special Secretary to Govt.

Government of Orissa
Revenue and Disaster Management Department

No.GE(GL)-S-23/09(Pt-I)- 5309/ R&DM.

Dated 11.2.2010

From

Shri R.K. Sharma, IAS
Commissioner –cum-Secy. to Govt.

To

All Collectors.

Sub: Grant of titles to eligible STs and Other Traditional Forest Dwellers
Under ST & OTFD (RFR) Act, 2006.

Madam/Sir.

I am directed to say that during the review on progress of grant of forest right under RFR Act, 2006 on 8th and 9th December 2009 (Video Conferencing), it was noticed that some of the Collectors/Field level functionaries are not considering claim petitions relating to all types of forest land under the Act.

It may be noted that under section 2(d) of the aforesaid Act, forest land is defined as follows:

"Forest land " means land of any description falling within any forest area and includes unclassified forests, un-demarcated forests, existing or deemed forests, protected forests, reserved forests, Sanctuaries and National Parks.

Therefore, the definition of forest land under the Act is wide enough to include all types of forest including that of the jungle kissam land found in the Revenue records.

Thus, claims relating to the following types of land are to be processed under the said Act and forest rights titles are to be issued in favour of the eligible STs and other traditional forest dwellers.

- i) revenue land where the remarks column mentions that it is Gramya Jungle/ Patra Jungles etc.
- 2) revenue land where the kissam is mentioned as Forest.
- 3) any forest land recorded in favour of Forest and Environment Department or Revenue and DM Department which has been mentioned in the District Level Committee report which formed the basis for the affidavit filed by the State Govt. before the Hon'ble Supreme Court in connection with WP(C) No.202/1995-T.N. Godavarman Thirumulkpad -Vrs—Union of India and others during 1997.

It is therefore, requested that immediate necessary action may be taken for processing and disposing of the claims of the eligible STs and Other Traditional Forest Dwellers in respect of the types of forest land mentioned above under the said Act.

All concerned field level functionaries may be intimated accordingly.

Yours faithfully,

Sd/-

Commissioner –cum-Secretary to Govt.

Memono.5310 R&DM, Dated 11.2.10

Copy forwarded to Secretary Board of Revenue Orissa Cuttack/ All RDCs for information and necessary action.

Sd/-

Commissioner –cum-Secy.to Govt.

Memono.5311/R&DM Dated 11.2.10

Copy forwarded to Principal Secretary to Govt.ST and SC Dev.Deptt.Principal Secy.to Govt.Forest and Environment Deptt.for information and necessary action.

Sd/-

Commissioner-cum-Secy.to Govt.

**FOREST HEADQUARTERS, ORISSA
OFFICE OF THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS
ARANYA BHAWAN, BHUBANESWAR – 23**

Memo No. 2779 /9F (Misc.) 75/09 (Vol – II)

Dated, Bhubaneswar, the 25th February, 2010

From:

S.C. Mohanty,

Principal Chief Conservator of Forests, Orissa.

To

All Divisional Forest Officers (T/WL)

Sub:- Implementation of the Scheduled Tribes & Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 – recognition of forest rights over the claims made in respect of the forest land under the control of the Forest Department.

Government in S.T. & S.C. Development have brought to our notice that claim petitions involving forest land other than Revenue forests have not been disposed of in any significant number by the SDLCs and DLCs under the ST & OTFD (RFR) Act / Rules. You are required to see pro-actively that such claims for title over forest land and community rights in respect of Reserve Forests, DPFs, PRFs and other notified forest areas are expeditiously dealt with at all levels.

Besides, regularization of pre-1980 eligible category of forest encroachments which are dealt with under the Forest (Conservation) Act, 1980 includes the cases of people belonging to both tribal and non-tribal groups. These pre-25.10.80 forest encroachments can be processed for regularization under the procedure laid down under F.C. Act. Under this procedure, the claims of non-tribals which cannot be settled under the ST & OTFD (RFR) Act, 2006 may be taken up. All such cases which have already been approved under the F.C. Act can be settled in favour of the eligible claimants subject to compliance of the stipulations made by MoEF, Govt. of India in their final approval order in this respect.

The DFOs and the ACTs are required to play their assigned role in facilitating disposal of claim petitions filed under the Forest Rights act in respect of all categories of forest lands and also in taking up appropriately the cases of non-tribal claimants who may be eligible pre-1980 encroachers in terms of the provisions under the F.C. Act.

Sd/-

Principal CCF, Orissa.

Memo No. 2780 /Dt. 25.02.10

Copy forwarded to all Regional Chief Conservators of Forests / Conservator of Forests, Rourkela for information and guidance.

Sd/-

Principal CCF, Orissa.

Memo No. 2781 /Dt. 25.02.10

Copy forwarded to the Principal Secretary to Govt. of Orissa, Forest and Environment Department for information with reference to Govt. letter no. 2961/F&E dt. 9.2.2010 and no. 19902/F&E dt.25.11.2009.

Sd/-

Principal CCF, Orissa.

Memo No. 2782 /Dt. 25.02.10

Copy forwarded to the Principal Secretary to Govt. S.C. & S.T. Development Department for information.

Sd/-

Principal CCF, Orissa.



Biswar Kumar Nayak
Special Secretary to Govt.
S.T.& S.C. Development Department

D.O. No. 9728 / Bhubaneswar
TD-II-32/2008
Date 09.03.2010

Dear

**Sub:- Implementation of STs and Other Traditional Forest Dwellers
(Recognition of Forest Rights) Act, 2006.**

I am desired to say that in most of the cases the map indicating the area of forest land on which title has been issued, has not been given to the eligible claimants, which is mandatory under Rule 6(e), 11 (2) (ii) and 12 (I) (e) of the STs and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rule 2007. Paramount importance should be given to provide maps delineating the area of each claim with recognizable landmarks in the back side of the title deeds.

2. It is observed that in some districts the claims have been received after the due date authorized by Gram Sabha i.e. within the period of 3 months to receive the claims. For those late cases, it may be required to extend the time by convening meetings of Gram Sabha for acceptance of the claims as per the Rule 11 (I) (a) of the STs and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rule 2007. Remedial measures may please be taken at the Gram Sabha level for extension of time in respect of those claims received beyond the stipulated time of three months.
3. It is observed that pendency position at FRCs, GSs, SDLCs and DLCs levels is much more in spite of several instructions issued vide DO dt.2.12.09 of this Deptt. for quick disposal i.e. by using squad approach, micro planning at the village level. The pendency position pertaining to your district at all levels enclosed in Annexure-I may be cleared in a proactive manner, so that implementation of the Act will attain its goal at an early date.

Yours Sincerely,
Sd/-
(B. K. Nayak)

To
All Collectors (By name)

**GOVERNMENT OF ORISSA
ST & SC DEVELOPMENT DEPARTMENT**

No. 10021 / SSD Dated, Bhubaneswar the,
Stat & D. Cell- 28/09

10/3/2010

From,

Sri B.K. Nayak
Special Secretary to Govt.

To,

The Director,
Sc & ST R and TI
CRP Square, Bhubaneswar

Sub : Printing of 1000 copies of compendium consisting of circulars/instructions issued from time under Forest Rights Act, 2006.

Sir,

In continuation to this Dept. letter No. 1567 dt.06.01.2010 on the captioned subject, I am directed to say that as per discussion held in the chamber of Principal Secretary on 1st January, 2010, you are requested to print 1000 copies of proposed compendium consisting of circulars, instructions and order of the Govt. from time to time under Forest Rights Act'2006 out of the funds placed with you under Article-275(1). Furtherk, I am to send herewith the further circulars issued by the Govt. recently.

You are, therefore, requested to please take steps for printing of the said compendium early for distribution to filed functionaries for its utilization as reference for implementing the Forest Rights Act.

Yours faithfully,

Special Secretary to Govt.

List of Circular/Instructions :

- 1) Letter No.-1567/SSD dt.06.01.10 of Spl. Secretary to Govt. - Relating to Org. of Training Programme for Tribal Youths on implementation of ST & OTFD (RFRs) Act, 2006 and Other Welfare Programme.
- 2) D.O. No.3435 dt.27.01.10 of Spl. Secretary to Govt. - On Training Programme of members of 2 Parishad, Panchayat Samiti and FRC Members & Tribal Youth on implementation of F.R. Act, 2006.
- 3) D.O. No 46126 dt.31.12 .2009 of Principal Secretary to Govt. on settlement of all Pre-1980 encroachment cases relating to tribals under F.R.Act., 2006.
- 4) Letter No.-45659/SSD dt.26.12.09 of Spl. Secretary to Govt. – Processing of claims in Protected and Resumed Forest Areas as well as in the left out villages under F.R. Act, 2006.
- 5) Letter No. – 44228/SSD dt. 14.12.2009 of Principal Secretary to Govt – Engagement of Retried RIs/Amins and Advocates for the land entitlement to the STs as per Regulation 2 of 1956 of Scheduled Area under the FRA, 2006 and other Revenue Laws in OTELP Village.
- 6) Letter No.-2779 dt. 25.02.2010 of Principal. CCF, Orissa to All DFOs on Recognition of Forest Rights over claim made in respect of forest land under the control of Forest Deptt. Under Forest Rights Act.
7. DO No.-8348 dt. 20. 2. 2010 of Principal Secretary, ST & SC Dev. Deptt. to All Collectors & RDCs regarding frequency asked questions on determination and recognition of Community Forest Rights under FRA.
8. DO No.-9728 dt. 09.03.2010 of Special Secretary to all Collectors regarding implementation of STs and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.
9. Letter No. 5309/R&DM dt. 11.02.2010 of Commissioner-cum-Secretary, R&DM Dept. to all Collectors regarding grant of titles to illegible STs and Other Traditional Forest Dwellers under ST & OTFD (RFR) Act.,2006.

Shri Vinod Kumar, IFS
Special Secretary to Govt.
S.T. S.C. Development Department

Ph. No. 0674 – 2390780 (O)
Fax - 0674 – 2393249
D.O. No. - 12514/ Bhubaneswar
TD-II – 32/08
Date: 26.03.10

Dear

Sub.: Implementation of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.

I am desired to say that it was found in the last review meeting on 03.03.2010 that in some district in the Scheduled Areas, the PA, ITDAs as Nodal Officer are putting their signatures in the certificates of titles in place of District Welfare Officer. But as per the Rule – 8(h) Annexure – II & III of the Forest Rights Rules 2007, the DWO of the district is empowered to sign in the certificate of title alongwith the Collector and the Divisional Forest Officer. The Forest Rights Act, being the Central Act & the Rules thereof can not be violated in any circumstances. The DWO and other official as Nodal Officer for the district be accordingly instructed.

I would therefore request you to kindly look into the matter personally for issuing the certificate of titles with DWO as provided under the said Rules under intimation to this Deptt. Certificates already issued need to be also corrected.

Yours sincerely,

Sd/-

(Vinod Kumar)

To,

All RDCs /

All Collectors (By name)

Shri Vinod Kumar, IFS
Special Secretary to Govt.
S.T. S.C. Development Department

Ph. No. 0674 – 2534871 (O)
Fax - 0674 – 2396806
D.O. No. - 12976 / Bhubaneswar
Date: 03.04.10

Dear

Sub.: Sharing of the maps and verification report with the Gram Sabha.

I am desired to say that in the Video Conference held on 22nd and 23rd March 2010, it has come to the notice that the procedure for verification of claims prescribed under the Act is not adhered to by the RI/Amins supporting field verification for Gram Sabha Resolution / Recommendations. It is to be noted that as per Section 6 of the Forest Rights act and Rule 4 there under. Gram Sabha is the authority to initiate the process for determining the nature and extent of individual and community forest rights by receiving claims, consolidating and verifying them and preparing a map delineating the area of each recommended claim and pass resolution on it and forward a copy of the same to the SDLC. Rule 11(2) requires FRC to assist the Gram Sabha in its functions to –

- i. receive, acknowledge and retain the claims in the specified form and evidence in support of such claims;
- ii. Prepare the record of claims and evidence including maps;
- iii. Prepare a list of claimants on forest rights;
- iv. Verify claims as provided in these rules;
- v. Present there findings on the nature and extent of the claim before the Gram Sabha for its consideration.

Rule 12 provides for process of verifying claims by the Forest Rights Committee which is as follows:

- 1) The Forest Rights Committee shall, after due intimation to the concerned claimant and the Forest Department.
 - a. Visit the site and physically verify the nature and extent of the claim and evidence on the site;
 - b. Receive any further evidence or record from the claimant and witnesses;
 - c. Ensure that the claim from pastoralists and nomadic tribes for determination of their rights, which may either be through individual members, the community or traditional community institutions, are verified at a time when such individuals, communities or their representatives are present;
 - d. Ensure that the claim from member of a primitive tribal group or pre-agricultural community for determination of their rights to habitat, which may either be through their community or traditional community institution, are verified when such communities or their representatives are present; and
 - e. Prepare a map delineating the area of each claim indicating recognizable landmarks.

- 2) The Forest Rights Committee shall then record its findings on the claim and present the same to the Gram Sabha for its consideration.

Further Rule 4(3) and 12(4) provide that the Gram Sabha and FRCs shall be **provided with necessary assistance by the government authorities.**

2. In order to assist the Forest Rights Committee and Gram Sabha in the verification process, especially for preparation of Maps as per the Rule 12(e) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rule, 2007 and early finalization of claims, department has communicated vide letter No. 38848 dt.06.11.2008 for engagement of retired R.I. / Amin for the stated purpose. However, the following deviations are observed in some areas during the execution of work by the R.I. Amin and Forester:

- It is found that field verification and mapping of claims are being done by the RIs / Amins / Foresters independently without involvement of the members of Forest Rights Committees and gram Sabha and the verified report and map is not placed before the Gram Sabha for their Resolution / Recommendation to SDLC and without recording of same by Gram Sabha.
- The findings of the field verification and maps are being directly sent by the RIs / Amins / foresters to the SDLC without sharing them with the Forest Rights Committees and without getting due approval from the Gram Sabha.
- It is also found that some of the RIs / Amins engaged for such duties are indulging into illegal demands including money from the claimants during the field verification.

3. It is conveyed that any such activities shall be considered to be infringement of the right and authority of the Gram Sabha and persons involved in such activities are liable to be guilty for penal action under Section 7 of the Act.

4. It is therefore requested to ensure that the reports and maps prepared by the RIs / Amins / foresters are duly shared in the Gram Sabha and Gram Sabha has approved it. Further, I would also like to draw your kind attention that SDLC does not entertain such papers / maps without a copy of the Gram Sabha notice, proceedings alongwith approval letter of the Gram Sabha. It is further requested to bring these instructions to the notice of all members of DLC / SDLC / FRC and field functionaries of DWO, DFO and Tahasildars.

Yours sincerely,

Sd/-

(Vinod Kumar)

To,

All Collectors / All RDCs (By name)

Shri Vinod Kumar, IFS
Special Secretary to Govt.
S.T. & S.C. Development Department



BY FAX/ SPEED POST/ E-mail

Ph. No. – 0674 – 2534871(O)

Fax – 0674 - 2396806

D.O. No. 13012 / Bhubaneswar
Stat & D. Cell-28/09

Date 5.4.10

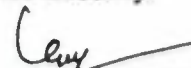
Dear

Sub:- Adoption of “Micro Planning Approach” for processing of claims under the STs and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.

I am directed to say that in the last Video Conference dt.22.03.2010 and 23.03.2010, it was found that most of the Districts were unable to give the datas relating to no. of villages fully covered so far, under the Forest Rights Act, 2006. It indicates that there is something wrong either with processing of claims or with sensitisation the programme. It is now required to cover all the villages of Scheduled area / Micro project areas, where tribal population is comparatively more through a Micro Planning Approach by processing all pending claims from village to village for early finalization of claims of your District in full. The Gram Sabha / FRC may be advised to fix a monthly date line from time to time for receiving all claims arising as per provision of FRA 2006 and Rules thereof for a time bound completion early in 2010.

I would therefore, request you to look into the matter personally and suitably instruct your field level officers i.e. D.F.Os., PA, ITDAs, Sub-Collectors, D.W.Os., Spl. Officers, Micro projects to proactively process all the pending claims covering all villages of your Districts through Micro-Planning approach, so that the implementation of the Act be completed in a time bound manner.

Yours sincerely,


(Vinod Kumar)
25.4.2010

To,
All Collectors/All RDCs (By name)
of Scheduled Area/Micro Project Area

8/10/09 Govt. of Odisha (S.T. & S.C. Development Department) TD-2 (Stat & D. Cell-28/09)

BY FAX/E-Mail

**GOVERNMENT OF ORISSA
ST & SC DEVELOPMENT DEPARTMENT**

No 13013 / SSD Dated , Bhubaneswar the, 5.4.10
TD-II-32/08

From,

Sri Vinod Kumar, IFS
Special Secretary to Govt.

To,

All Collectors.

**Sub: Uploading of claim cases in the website under the STs and Other
Traditional Forest Dwellers (Recognition of Forest Rights)
Act,2006.**

Sir,

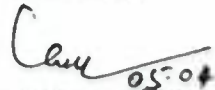
I am directed to say that it is required to upload all the claim cases received at FRC level. However, all information of a claim becomes available with the SDLC on recommendation of Gram Sabha. Efforts would have been made to upload the information at NIC terminals available at Sub-Divisions as per availability of free time of terminals. In spite of repeated instructions and permission to engage as many contractual Data-Entry Operator as required, still there is large number of claims pending for uploading in the web site (Statement enclosed). The reports show that even information of all recognized claims by DLC has not been uploaded.

You are therefore, once again requested to ensure uploading of balance claims pending at SDLC level @ 50 claims per day by a DEO at an early date by giving priority of uploading as suggested below:-

Recommended claims by SDLC to DLC followed by claims remanded / rejected by SDLC.

This may please be treated as MOST URGENT.

Yours faithfully,


Special Secretary to Govt.

Shri Vinod Kumar, IFS
Special Secretary to Govt.
S.T. S.C. Development Department

Ph. No. 0674 – 2390780 (O)
Fax - 0674 – 2393249
D.O. No. - 13792 / Bhubaneswar
Stat & D. Cell – 28/09
Date: 17.04.2010

Dear

Sub.: Distribution of Certificate of Titles to Particularly Vulnerable Tribal Groups (PTG) in the Micro project Area under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.

You are aware that the PTGs of your district are still holding the bottom line of all the developmental indicators when compared to their STs counter parts. Hence it is an opportunity to provide all the PTGs Household with land for their livelihood under the Forest Rights Act, 2006. Govt. have accorded top priority for covering all the PTG Household as soon as possible. But during the last review on video Conference held on 08.04.2010 and 09.04.2010, it was found that inspite of several instructions on communications and Video Conferencing, there remains considerable gap of coverage between the number of Households and number of claims received.

1. There are lack of proper awareness and inaction of squad set by you in facilitating by FRC in processing claims through Micro Planning Approach.
2. Number of Certificates of Titles distributed so far is less than the number of claims received by FRCs. Hence the Line Deptt. officers at SDLC and DLC level need to be sensitized for proactively processing of claims.
3. Some of the PTGs of your area might have been covered under Revenue Act and other Acts and now not eligible under FRA, 2006. Hence, information on such settled cases may also please be supplied to this Deptt. to access the total Household coverage in the Micro Project Area for their land based livelihood support on revenue land and on forest land.

I would therefore, request you to look into the matter personally and ensure the coverage of cent percentage of PTG Households by distributing Certificate of titles under the Forest Rights Act as well as balance under Revenue laws within a short period. Information for the PTGs Household covered under Revenue Law may please be intimated to this Deptt. separately for necessary compilation at this end.

Yours sincerely,

Sd/-

(Vinod Kumar)

To,

All RDCs / Collectors (Micro Project Area)

(By name)

**Shri Vinod Kumar, IFS
Special Secretary to Govt.
S.T. S.C. Development Department**

**Ph. No. 0674 – 2534871 (O)
Fax - 0674 – 2396806
D.O. No. - 16721/ Bhubaneswar
Stat & D. Cell – 32/08
Date: 01.05.10**

Dear

Sub.: Implementation of the STs & Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.

I am desired to say that Govt. in ST & SC Dev. Deptt. have been pleased to approve the following proposals for smooth administration of Forest Rights Act, 2006.

1. Payment of TA @Rs.30/- and DA @ Rs.30/- per day may be paid to each retired staff engaged on contractual basis during the processing of claims at FRC / Gram Sabha level out of the Article – 275 (1) funds placed with the PA, ITDA and PD, DRDA under Forest Rights act. If the regular serving staff i.e. W.E.Os, RIs / Amins / Foresters undertaking FRA works have not received their TA claims, they can be paid their TA claims from this fund on transmission of TE Bills by DDO concerned to the DWO of District.
2. The expenditure incurred for the purchase of register, printing of required forms may be met out of the funds available under article – 275 (1).
3. Hiring of private vehicle may be allowed to carry the squad of officials from village to village for micro-planning, for collection, for survey and demarcation, and for processing of claims in supporting decision making of FRC and Gram Sabha for resolution under Forest Rights Act, 2006.

I would therefore, request you to take immediate steps on the above points accordingly to expedite the implementation of the Forest Rights Act, 2006 under intimation to this Department.

Yours sincerely,

Sd/-

(Vinod Kumar)

To,

All RDCs / Collectors (By name)

Memo No 16742 dt. 01.05.10.

Copy forwarded to PA, ITDAs / PD, DRDAs / DFOs / Sub-Collectors / DWOs for information and necessary action.

Sd/-

Special Secretary to Govt.

**GOVERNMENT OF ORISSA
ST & SC DEVELOPMENT DEPARTMENT**

No. 23529 / SSD, Bhubaneswar Dated 31.5.10.
Stat & D. Cell-10/09

RESOLUTION

After careful consideration State Govt. have been pleased to decide that District Welfare Officer will also be a member of District Level Committee in Scheduled Area District where PA, ITDA is the member convener. This shall be remain inserted as item 39a) under Paragraph – 3 “District Level Committee as an amendment to the Resolution No.4694/SSD dt.08.02.2008 of Govt. of Orissa.

ORDER: Ordered that the Resolution be published in the next issue of Orissa Gazettee.

By order of Governor

Sd/-

Principal Secretary to Govt.

Memo No. 23530 / SSD, DT. 31.5.10.

Copy forwarded to the Commissioner-cum-Secretary to Governor, Orissa / Principal Secretary to Chief Minister, Orissa / PS to All Ministers / PS to Chief Secretary, Orissa / PS to Development Commissioner / PS to Agriculture Production Commissioner / PS to Commissioner – cum – Secretary, Revenue & D M Department / PS to Principal Secretary, F & E Department / PS to Principal Chief Conservator of Forest, Bhubaneswar for information and necessary action.

Sd/-

Special Secretary to Govt.

Memo No. 23531 / SSD, DT. 31.5.10.

Copy forwarded to the Director, Printing Stationery and Publications, Madhupatna, Cuttack with a request to get the above Resolution published in the Extra ordinary issue of the Orissa Gazettee and send copies of the same to the above mentioned authorities and also send 100 copies of the Resolution to this Department.

Sd/-

Special Secretary to Govt.

Memo No. 23532 / SSD, DT. 31.5.10

Copy forwarded to all Deptts. of Govt. / All Heads of Deptts. / All RDCs for information and necessary action.

Sd/-

Special Secretary to Govt.

Memo No. 23533 / SSD, DT. 31.5.10

Copy forwarded to all Collectors / all sub-Collectors / all DWOs for information and necessary action.

They are request to circulate the resolution among all members of the Sub-Divisional level and District Level Committee respectively.

Sd/-

Special Secretary to Govt.

Memo No. 23534 / SSD, DT. 31.5.10

Copy forwarded to PS to Principal Secretary / PS to Special Secretary / PS to Director (ST / SC) –cum-Addl. Secretary to Govt. / All Officers / All Sections of ST & SC Dev. Deptt. for information and necessary action.

Sd/-

Special Secretary to Govt.

Memo No. 23535 / SSD, DT. 31.5.10

Copy forwarded to Smt. Sarojini Hembram, Hon'ble MLA, Member TAC, Plot No. 187, Saheed Nagar, Bhubaneswar / Shri Debendra Kanhar, Hon'ble MLA, Member TAC, Qrs. No. F-3/1, Unit – IV, MLA Colony, Bhubaneswar / Shri Mukunda Sodi, Hon'ble MLA, Member TAC, Qrs. No. 7/4 (DS), Unit – IV, MLA Colony Bhubaneswar for information and necessary action.

Sd/-

Special Secretary to Govt.