

Sri Achok Kumar Tripathy, I.A.S.
Principal Secretary to Govt.
S.T. & S.C. Development Department
Government of Orissa



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D.O. No. 38206 / SSD
TD-II - 32/08 (Pt)
Dated 22nd September, 2010

Dear

Sub: Awareness under the Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 – Number of Individual Claim petitions.

You are kindly aware that Forest Rights Act, 2006 was notified by Government of India on 02.01.2007 and Rules thereon was notified on 01.01.2008.

2. In our State, Forest Rights Committees were constituted and individual claim petitions were received right from 2008. However, the distribution of certificates of titles could be done from 12.08.2009 after Hon'ble H.C vacated the interim stay order.

3. A number of instructions have been issued by State Government for sensitizing tribals and other traditional forest dwellers about the above Act / Rules. These were as follows:-

- a) Sensitization by District-level, Sub-divisional level and Block-level master trainers.
- b) Sensitization through reputed NGOs at District / Sub-division and Block level.
- c) Sensitization of all committee members of DLC, SDLC, Gram Sabha and FRCs including new officers joining at District / Sub Division level as members.

Page No. - 1

- d) Training of 5 tribal youth from each village in Scheduled area at G.P. headquarters level.
- e) Printing and distribution of individual claim forms taking into account total number of ST rural households of the district.
- f) Training of all Sarpanch, Ward Members and Women SHG President / Secretary in PTG area.
- g) Wall painting in each G.P. hqrs.
- h) Using tribal cultural troupes after training for spreading awareness about FRA
- i) Using OTELP funds for awareness generation in OTELP villages
- j) Micro planning approach with systematic coverage of all villages GP wise
- k) Squad Approach

4. It is found from our analysis of data regarding number of individual claims received in August, 2009 and August, 2010 in different districts (**Annexure-1**) that no new individual claims have been received in 9 nos. of districts after August, 2009 till date. This shows that either awareness in these districts has not been done properly or report regarding total number individual claims received at FRC level is not reported properly.

5. Similarly, percentage growth of new individual claims in many districts (Sl. No. 9 to Sl. No. 21) as seen from the table below from August , 2009 to August , 2010 is quite unsatisfactory (less than 150 %)

6. Only in districts of Kandhamal, Keonjhar, Nayagarh and Bhadrak , the growth of receipt of individual claims at the level of FRCs has been remarkable.(above 200 %)

7. I would, therefore, request you to review the steps taken by you for spreading awareness about Forest Rights Act / Rules for recognition of Forest Rights of individuals as well as community of STs & Other Traditional Forest Dwellers and to ensure that adequate steps are taken for the same so that the number of individual claims received at FRC in your district is increased and then processed further in Gram Sabha, SDLC and DLC. Further awareness programme can be taken up during 2010-11.

8. You are kindly aware that in ITDA districts, upto 10% of Art.-275(1) funds can be spent for spreading awareness etc. about Forest Rights Act. For non-ITDA districts, funds have been allotted to districts and more funds can be given after submission of U.C for the previous funds.

Yours Sincerely,

(Ashok K. Tripathy)

All Collectors

Memo. No. 38207 Dated 18.09.2010

Copy forwarded to Sri P.K. Mohapatra, IAS, Revenue Divisional Commissioner (RDC), Central Division (CD), Cuttack / Sri Chandra Sekhar Kumar, IAS, Revenue Divisional Commissioner (RDC), Southern Division (SD), Berhampur / Sri P.K. Mohapatra, IAS, I/C Revenue Divisional Commissioner (RDC), Northern Division (ND), Sambalpur for kind information and necessary action.

Principal Secretary to Govt.
ST & SC Development Department

Page No. - 3

**Government of Orissa,
Revenue & Disaster Management Department.**

No. SM13209- 43974 / RDM, Dated, 29.10.2010

From

Sri B.N. Das,
Spl-Secretary to Government.

To

The Member, Board of Revenue,
Orissa Cuttack
All R.D.Cs / All Collectors
Director, Land Records Surveys & Consolidation
Orissa, Cuttack.

Sub: Guidelines for correction of ROR and Maps for forest land in revenue villages for which title has been issued under the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 in Annexure – II appended to the Rules of 2007 made under the Act.

Sir,

I am directed to say that Government have been pleased to issue a set of guidelines for correction of ROR and Maps to incorporate the rights recognized under the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 in terms of the Title Certificates issued in respect of forest land in revenue villages. A copy of the said guidelines is sent herewith for favour of your information and necessary action.

Yours faithfully,

Sd/-

Spl. Secretary to Government

Memo No. 43975 / RDM, Dated, 29.10.2010

Copy with a copy of the enclosure forwarded to Commissioner-cum-Secretary, S.C. & S.T. Development Department / Principal Secretary, Forest & Environment Department for kind information and necessary action.

Sd/-

Spl. Secretary to Government

GUIDE LINES FOR CORRECTION OF R.O.R. AND MAPS FOR FOREST LAND IN REVENUE VILLAGES FOR WHICH TITLE HAS BEEN ISSUED UNDER THE SCHEDULED TRIBES AND OTHER TRADITIONAL FOREST DWELLERS (RECOGNITION OF FOREST RIGHTS) ACT, 2006 IN ANNEXURE – II APPENDED TO THE RULES OF 2007 MADE UNDER THE ACT.

Introduction:

The Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 recognizes and vests forest rights including right to hold and live in the forest land under individual or common occupation for habitation or self-cultivation for livelihood by (i) the forest dwelling Scheduled Tribes as defined in section 2(c) and (ii) other traditional forest dwellers who have for at least three generations prior to the 13th day of December, 2005 primarily resided in and who depend on the forest or forest land for bonafide livelihood needs as provided under section 2(o). Among other forest rights, the provisions of section 3(g) and 3(h) of the Act read with section 4 thereof vest in such forest dwelling Scheduled Tribes and other traditional forest dwellers the right for conversion of leases or grants on forest land to titles and settlement and conversion of all Forest villages, old habitation, un-surveyed villages and other villages in forest whether recorded, notified or not into revenue villages. Such rights are heritable but not transferable under sub-section (4) of section 4 of the Act. Sub-section (6) of the Act provides that the decision of the District Level Committee on the record of forest rights shall be final and binding. District Level Committees have been formed in each district under sub-section (5) of section 6 of the Act read with rule 7 of the S.T. and OTFD (RFR) Rules, 2007.

Need for correction of R.O.R. and Map:

Rule 8(f) of the aforesaid rules provides that the District Level Committee shall issue directions for incorporation of the forest rights in the relevant government records including record of rights. Rule 8(g) further provides that the Committee shall ensure publication of the record of forest rights as may be finalized.

1. Manner of Correction of R.O.R. and Map:

In the view of the above provisions of law, the Tahasildar who maintains the records of right shall on receipt of copies of title for forest land under individual tenure in Annexure – II issued under rule 8(h) of the ST & OTFD (RFR) Rules, 2007 and the sketch map of the said land from the District Level Committee in respect of revenue village, proceed to incorporate the contents of the title in the Record of rights of the Revenue village and correct the R.O.R. and Map accordingly. Wherever necessary, bata plots shall be carved out of original plots as is done during correction of records of rights to give effects to orders in mutation cases and such bata plots given bata numbers in the manner provided in paragraph 81 of the Orissa Mutation Manual.

2. Joint records in the name of both Spouses:

The record shall be prepared jointly in the name of both the spouses in case of married person and in the name of single head in the case of a household headed by a single person as required under sub-section (4) of section of the Act.

3. Status of the land:

In view of the peculiar status of land, new Khatians shall have to be prepared for such land covered under forest rights after the existing Government Khatas of the village and allotted new numbers following the last in serial of Government Khata. The status column of the R.O.R. in respect of such forest land under individual tenure shall record the status as "Forest right recognized under the ST & OTFD (RFR) Act, 2006" which in Oriya may read as 'ଅନୁସୂଚିତ ଜନଜାତି ଏବଂ ଅନ୍ୟାନ୍ୟ ପାରମ୍ପରିକ ବନବାସୀଙ୍କର (ଜଙ୍ଗଲ ଅଧିକାର ସାକ୍ଷତି) ଆଇନ, ୨୦୦୬ ମୁତାବକ ଡିଆଯାଇଥିବା ଅଧିକାର'

4. Non –transferability of the land:

The forest right conferred under the act is heritable but not alienable or transferable as mentioned earlier. The special incidence column of the R.O.R. should, therefore, contain the note that the right is heritable but not transferable or alienable which in Oriya may read as 'ଏହି ଜଙ୍ଗଲ ଅଧିକାର ପୁରୁଷାନୁକ୍ରମିକ ହେବ କିନ୍ତୁ ହସ୍ତାନ୍ତର କିମ୍ବା ସ୍ଥାନାନ୍ତରିତ ହୋଇପାରିବ ନାହିଁ ।'

5. KISSAM:

Sub-section (7) of section 4 of the Act of 2006 provides that the forest rights shall be conferred free of all encumbrances and procedural requirements, including clearance under the Forest (Conservation) Act, 1980, requirement of paying the 'net present value' and compensatory afforestation' for diversion of forest land, except those specified in this Act. The jungle kissam of such forest land over which the forest right of individual occupants is recognized will remain unchanged.

6. Supply of certified copy of R.O.R. to the claimant:

Rule 8(h) of the Rules of 2007 provides that the District Level Committees is to ensure that a certified copy of the record of forest rights is provided to the concerned claimant. A certified copy of the records of right newly created shall, therefore, be provided to the occupants.

7. Correction of records maintained by the R.I.:

The records maintained by the Revenue inspector shall be similarly corrected for which intimation slip and sketch map may be sent to the Revenue inspector in duplicate of which one copy will be returned by the R.I. with an endorsement that he has retained one copy with him.

2.1 All the cases of subsisting encroachments where the State Governments stand committed to regularise on account of past commitments may be submitted to this Ministry for seeking prior approval under the Forest (Conservation) Act, 1980. Such proposals should invariably conform to the criteria given below:-

1 Pre-1980 ENCROACHMENTS WHERE THE STATE GOVERNMENT HAD TAKEN A DECISION BEFORE ENACTMENT OF THE FOREST (CONSERVATION) ACT, 1980, TO REGULATE 'ELIGIBLE' CATEGORY OF ENCROACHMENTS.

1.1 Such cases are those where the State Governments had evolved certain eligibility criteria in accordance with local needs and conditions and had taken a decision to regularise such encroachments but could not implement their decision either wholly or partially before the enactment of the Forest (Conservation) Act on 25.10.80.

1.2 All such cases should be individually reviewed. For this purpose the State Govt. may appoint a joint team of the Revenue, Forest and Tribal Welfare Departments for this work and complete it as a time bound programme.

1.3 In cases where proposals are yet to be formulated, the final picture after taking into considerations all the stipulations specified here may be placed before the concerned Gaon Sabha with a view to avoid disputes in future.

1.4 All encroached lands proposed for regularisation should be properly surveyed.

1.5 Encroachments proposed to be regularised must have taken place before 25.10.80. This must be ascertained from the First Offence Report issued under the relevant Forest Act at that point of time.

1.6 Encroachments must subsist on the field and the encroached land must be under continuous possession of the encroachers.

1.7 The encroacher must be eligible to avail the benefits of regularisation as per the eligibility criteria already fixed by the State.

1.8 As far as possible scattered encroachments proposed to be regularised should be consolidated/ relocated near the outer boundaries of the forests.

1.9 The outer boundaries of the areas to be denotified for regularisation of encroachments should be demarcated on the ground with permanent boundary marks.

1.10 All the cases proposed to be regularised under this category should be covered in one proposal and it should give districtwise details.

1.11 All cases of proposed regularisation of encroachment should be accompanied by a proposal for compensatory afforestation as per existing guidelines.

1.12 No agricultural practices should be allowed on certain specified slopes.

2. INELIGIBLE CATEGORY OF PRE-1980 ENCROACHMENTS WHERE THE STATE GOVERNMENTS HAD TAKEN A DECISION PRIOR TO THE ENACTMENT OF THE FOREST (CONSERVATION) ACT, 1980.

2.1 Such cases should be treated at par with post 1980 encroachments and should not be regularised.

3. ENCROACHMENTS THAT TOOK PLACE AFTER 24.10.80.

3.1 In no case encroachments which have taken place after 24.10.1980 should be regularised. Immediate action should be taken to evict the encroachers. The State/UTs Government may, however, provide alternate economic base to such persons by associating them collectively in afforestation activities in the manner suggested in this Ministry's letter No. 6-21/69-FI dated 1.6.90, but such benefits should not extend to fresh encroachers.

This Ministry may kindly be apprised of the action taken/ proposed to be taken in this regard.

11.4. FP (4) Elimination of intermediaries and payment of fair wages to the labourers on forestry works

Forestry works are one of the important sources of livelihood to the tribals and other rural poor living in and around forests. On a number of occasions in the past, especially in the deliberations of the Central Board of Forestry, the need to eliminate contractors and other intermediaries in forestry operations has been emphasised with a view to ensure fair wages to the labourers. The National Forest Policy, 1988 has again reiterated that contractors should be replaced by institutions such as tribal cooperatives, labour cooperatives Government cooperatives etc as early as possible. A number of States/UTs have taken steps to excite these works through Government agencies viz. State Forest Departments, Forest Corporations. Nevertheless, at operational level certain aberrations still persist resulting in under payment of wages to the labourers. In order to protect tribals and other rural poor from and fair wages to them, the following guidelines may kindly be complied with

- a. no outside labour should be engaged in forestry operations where local tribal labour is adequately available;
- b. no contract should be entered into for imported labour;
- c. tribal cooperatives should be involved wherever labour is in short supply.

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

23310 / SSD, Bhubaneswar, dt. 29/06/2011.
TD-II (FRA/06/2011)

From,

Sri S.K. Chadha,
Director (ST/SC)-Cum-Addl. Secretary to Govt.

To

All RDCs
All Collectors

Sub: Review of implementation of the Scheduled Tribes & Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 & Rules, 2007 held of 09.06.2011 at 4P.M. through Video Conference.

Sir / Madam,

During the review meeting on implementation of the Scheduled Tribes & Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 & Rules, 2007 taken by the Chief Secretary, Orissa on 09.06.2011 through Video Conference the following action points emerged for necessary action.

1. A number of claim applications received under Scheduled Tribes & Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 related to revenue non-forest land are often rejected by the committee constituted under the Forest Rights Act. The policy of the Govt. is to provide homestead land to all home stead less persons, agriculture land to land loss persons and the provisions of the Orissa Govt. land Settlement Act (OGLS) and the Orissa Prevention of Land Encroachment Act (OPLE) for settlement of Govt. land in favour of eligible persons should be invoked in all deserving cases.
2. All WEOs, working in the Blocks should draw up specific plans to cover all the Forest Rights beneficiaries under convergence of different Govt. Schemes like IAY, MO, Kudis, Land development under MGNREGS, National Horticulture, National Bamboo Mission, Bore-well scheme, Bamboo Plantation etc, Plantation Programme should preferably be implemented in compact patches by clustering a number of beneficiaries.

3. All pending claims should be disposed off latest by 31st July, 2011. Date line should be strictly adhered to.
4. It is seen that the Forest Rights Committees are not constituted in all villages in the districts i.e. Cuttack, Jajpur, Khurda, Mayurbhanj, Nayagarh, Bargarh, Deogarh, Dhenkanal, Jharsuguda, Samablpur, Boudh, Gajapati. Immediate steps may be taken to constitute FRCs in all villages of the said districts by the end of June, 2011 and report compliance.
5. Districts like Subarnapur are providing contradictory figures and at the later stage they have reduced the number of claims received. The information should be verified before communicating the same to Government.

This is for favour of your information and necessary action.

Yours faithfully

Director (ST/SC)-Cum
-Addl. Secretary to Govt.

Memo No. _____/SSD dt. _____

Copy forwarded to all PA, ITDAs/ all DWOs for information and necessary action.

Director (ST/SC)-Cum
-Addl. Secretary to Govt.

B.K. Patnaik
Chief Secretary, Orissa

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No. TD-II-(FRA)-06/11(Pt.) 27687 /CS(SSD)
Bhubaneswar, dated the 16th August, 2011

To

All Revenue Divisional Commissioners /
All Collectors

Sub.: Cent percent coverage of Forest Rights Act beneficiaries under different Government Schemes.

Re.: P.R. Department letter No. 38708 dt. 05.12.09

Madam / Sir,

Inviting a reference to the subject cited above, I am directed to say that the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 is being implemented since 01.01.2008. Till date, 279901 nos. of Individual beneficiaries have been distributed with individual titles in recognition of their rights under the Act. Out of the same only 58724 nos. of Right Holders have been covered under different Government Schemes. Except few districts like Kandhamal and Gajapati where pro-active initiatives have been taken, the performance of other districts is not encouraging. In the last review meeting held on 22.07.2011 the Hon'ble Chief Minister has desired that expeditious steps may be taken for covering FRA beneficiaries under a large number of Government Schemes. In view of the above, you are requested to take up the following on priority:

1. Draw up an action plan through the WEO, other Extension Officers and Executive Officers of Gram Panchayats to plan and cover all the individual title holders under different kinds of developmental schemes. The action plan should aim at covering the beneficiaries in a time bound manner.
2. Constitute District Level Committees consisting of senior officers to inspect and verify the development works being planned and executed.
3. Maintain a proper database of the beneficiaries covered and the programme under which they have been covered.

Specific plans should be drawn up to cover cent percent beneficiaries in convergence with different Govt. Schemes like IAY, Mo Kudia, Mo Pokhari, Land Development under MGNREGS, National Horticulture Mission, National Bamboo Mission, etc. Plantation and Bore well programme should preferably be implemented in compact patches by clustering a number of beneficiaries including some beneficiaries who may not be individual title holders under FRA, but whose land is adjacent. Special steps should be taken to cover all the PTG beneficiaries under Land development programme.

You are requested to accord top priority to the above and initiate necessary activity in this regard.

Yours faithfully
Sd/
Chief Secretary,

GOVERNMENT OF ORISSA

B.K. Patnaik
Chief Secretary, Orissa

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No. TD-II-(FRA)-6/11(Pt.) 32660 /CS(SSD)
Bhubaneswar, dated the 20th Oct, 2011

To

All Collectors.

Sub.: Inclusion of sketch-map in the individual title under the STs & Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 and Rules, 2007.

Madam / Sir,

I am to say that, in the last Tribes Advisory Council meeting held under the Chairmanship of Hon'ble Chief Minister some of the members expressed their concern regarding non-availability of sketch-map while issuing title under the STs & Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 & Rules, 2007.

Sketch map is an essential document to indicate the boundaries, area and location of the parcel of land for which title under the Forest Rights Act has been issued.

In respect of titles granted for surveyed revenue forest land, sketch map should contain plot number and reference to adjoining plot numbers. In other cases, the sketch map may contain reference to co-ordinate and / or the recognizable land marks for proper and unambiguous identification of the land.

You are directed to ensure that the individual right holders are to be provided with map delineating the boundaries, area and location of the land invariably in all the cases.

This may please be scrupulously followed.

Yours faithfully,
Sd/-
Chief Secretary,
Orissa.

Memo No. 32661 /SSD, dated, 20.10.2011

Copy to all Revenue Divisional Commissioners for information and necessary action.

Sd/-
Chief Secretary, Orissa.

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

No. 35570 / SSD, Bhubaneswar
TD-II(FRA)-06/2011

Dated 22.11.2011.

From

Shri S.K. Popli, IFS
Director (ST / SC)-cum-
Addl. Secretary to Govt.

To

The PA, ITDA,
Keonjhar.

Sub.: Clarification regarding approval of certificate of title, to "Pathar Bani Pahada" & "Parbat Kisam" of land under Scheduled Tribes & Other Traditional Forest dwellers (Recognition of Forest Rights) Act, 2006.

Ref.: Your Letter No. 1073 dt. 07.07.2011.

Sir,

I am directed to say that the definition of "forest land" has been clearly mentioned at 2(d) which reads as follows:-

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

Except the above described Kisam of land, other Kisam land are non-forest land and hence shall not be permissible for settlement under Scheduled Tribes & Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.

Yours faithfully,

Sd/-

Director (ST/C)-cum-
Addl. Secretary to Govt.

Pradeep Jena, I.A.S.,
Commissioner-cum-Secy. to Govt.
Panchayati Raj Department

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BHUBANESWAR, Dtd.01.12.2011

D.O. No. 22839 /PR

VI-NREGS-30/09 (Pt.)

To

The Principal Secretary to Govt.,
Agriculture Department / Water Resources Department /
Commissioner-cum-Secretaries to Govt.,
Forest & Env. Department /
Fisheries & ARD Department/
ST & SC Dev. Department.

Sir,

As you are aware, MGNREGS (Mahatma Gandhi National Rural Employment Guarantee Scheme) projects are not only being executed by the Panchayati Raj Institutions but are also taken by the field agencies of your Department. Special emphasis has been given by the Government to take up large number of farm ponds, check-dams, multipurpose farm ponds, land development of FRA beneficiaries and a host of other labour intensive works permissible under the scheme. While the agencies implementing the scheme are expected to follow the guidelines of MGNREGA for all such works, the projects taken up should also be subject to social audit by the respective Panchayati Raj Institutions. The details of works, case records, quality checks conducted and the action taken on all such issues may also be shared with the DRDAs / Collectors concerned by the field officials of your Department. All assistance and co-operation should be provided during the process of Social Audit and the required documents are to be produced during the process as mandated in the law.

This may kindly be communicated to the field officials 'all Directorates under your control.

Yours faithfully,

Sd/-

Commissioner-cum-Secy. to Govt.

Memo No. 22833 /PR Dated 1st December, 2011

Copy to all Collectors / P.D., DRDAs for information and necessary action.

Sd/-

Commissioner-cum-Secy. to Govt

Copy to NREGS Guard file.

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

No. 39998 / SSD, Bhubaneswar
TD-II(FRA)-6/2011

Dated 31.12.2011.

From

Shri S.K. Popli, IFS
Director (ST / SC)-cum-
Addl. Secretary to Govt.

To

The DWO, Nuapada.

Sub.: Clarification between "Gramya Jungle Jogya" for confirmation of title under the ST and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.

Ref.: Your letter No. 1720 dt.04.11.11

Sir,

I am directed to say that the definition of "forest land" has been clearly mentioned at 2(d) which reads 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.

Except the above described Kisam of land, other Kisam land are non-forest land and hence shall not be permissible for settlement under Scheduled Tribes & Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.

If a gramya jungle has not actually come up in a "Gramya Jungle Jogya" land, then the said patch cannot be considered for settlement under Forest Rights Act, 2006.

Yours faithfully,

Sd/-

Director (ST/SC)-cum-
Addl. Secretary to Govt.

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

No. 202 / SSD, Bhubaneswar Dated 04.01.2012
TD-II(FRA)-06/2011

From

Shri S.K. Popli, IFS
Director (ST / SC)-cum-
Addl. Secretary to Govt.

To

All Collectors

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

Sir,

I am directed to say that complaints have been received from different quarters that the sketch map of the forest lands are not being provided along with the titles to the beneficiaries under Forest Rights Act, 2006. This is required to be ensured as even reiterated in letter no. 32660 dt.20.10.2011 of the Chief Secretary, Odisha.

You are therefore, once again requested to look into the matter personally and instruct the concerned field functionaries for compliance of the instructions..

Yours faithfully,

Sd/-

**Director (ST/SC)-cum-
Addl. Secretary to Govt.**

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

No. 9182 / SSD, Bhubaneswar
TD-II(FRA)-06/2011 (P)

Dated 28.02.2012

From

Smt. P. Mekro, IFS
Addl. Secretary to Govt.

To,

The Collector,
Jajpur

Sub.: Clarification on convening District Level Committee Meeting under the STs and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.

Ref: Your L. No. 172 dt. 13.02.2012

Sir,

I am directed to inform you on the clarification sought by your office as to whether District Level Committee Meeting can be convened without quorum for issuance of certificate in favour of OMC.

Clarification

There will be no relaxation of quorum, as far as 1/3 (one third) quorum to be maintained by DLC while convening its meeting, for final decision of diversion of forest land subject to less than one hectare in each case. (as referred in subsection (2) of Section 3 of the Act, 2006).

The Forest Rights Act does not deal with the issue relating to diversion of Forest land proposal for non-forestry use for issuing certificate to any other than claims of individual / community.

Yours faithfully,

Sd/-

Addl. Secretary to Govt.

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

No. 10070 / SSD, Bhubaneswar
TD-II(FRA)-06/2011

Dated 12.03.2012

From

Smt. P. Mekro, IFS
Addl. Secretary to Govt.

To,

The Collector,
Kalahandi

Sub.: Clarification sought for Pahad and Dangar Kissam of land for settlement of claims under Forest Rights Act, 2006

Ref: Your L. No. – 414 dt. 06.03.2012

Sir,

I am directed to invite a reference to your DO letter cited above and to say that Pahad & Dangar Kissam lands is not synonymous, with Forest Kissam Lands.

Sec 2(d) of the Forest Rights Act defines

“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.”

All forest land of Forest Department and forest land under Revenue & Disaster management and lands having existing forest cover like Pahad and Dongar Kissam, which finds place in the DLC report as filed in WP(C) No. 202/1995-TN Godavarman Thirumulkpad-vrs.-Union of India and Others during 1997, then claims can be entertained under the provisions of this Forest Rights Act as clarified in the Revenue Deptt. letter no. GE (GL)-S-23/09 (pt.1) 5309 dt.11.02.2011.

If the claims are beyond this scope, you are advised to dispose of the case under other available provisions like OPLE Act or OGLS Act as applicable.

Yours faithfully,

Sd/-

Addl. Secretary to Govt.

GOVERNMENT OF ORISSA
ST & SC DEVELOPMENT DEPARTMENT

No. 14195 / SSD, Bhubaneswar
TD-II (FRA)-06/2011

Dated 02.05.12

From

Shri S.K. Popli, IFS
Director (ST / SC) & Ex. Officio
Addl. Secretary to Govt.

To

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

**Sub.: Cent percent coverage of Particularly Vulnerable Tribal Groups (PTG)
Households in the Micro Project Area under implementation of the STs and
Other Traditional Forest Dwellers (recognition of Forest Rights) Act, 2006.**

Madam / Sir,

I am directed to enclose the up-to-date status on implementation of the STs and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 on the achievement in case of Particularly Vulnerable Tribal Groups (PTG) as on 30.04.2012. As per the decision, cent percent coverage of these beneficiaries under different Govt. schemes through convergence is to be ensured on priority.

You are therefore requested to expedite the process of such coverage and report the progress to this Deptt. regularly.

Yours faithfully,

Sd/-

**Director (ST/SC) & Ex. Officio
Addl. Secretary to Govt.**

Memo No. 14196 /SSD Dt. 2.5.12 .

Copy with copy of the enclosures forwarded to the concerned PA.ITDAs / DWOs (Nodal Officer, Forest Rights act)/ all Spl. Officers, Micro Projects for information and necessary action. They are requested to furnish the action taken in the matter to this Deptt. at an early date.

Sd/-

**Director (ST/SC) & Ex. Officio
Addl. Secretary to Govt.**

Most Urgent
By Fax/E-Mail

GOVERNMENT OF ODISHA
ST & SC DEVELOPMENT DEPARTMENT

Letter No. 20926 Dated 25-06-2012
TD II (FRA) 06/2011

From,
Shri S.K. Popli, IFS,
Director (ST/SC) & Ex-Officio
Addl. Secretary to Govt.
To,
The Collector,
Rayagada

Sub: Uniformity on issuance of certificate of titles to the individual title holders under the STs & Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.

Sir,
I am directed to say that it has been brought to the notice of this Deptt. that the DLC, Rayagada has issued certificate of titles to the individual title holders under Forest Rights Act, 2006, in different/variety of formats (copies enclosed). It may be stated here that Forest Rights Rules, 2007 has prescribed a standard format at its Annexure-II for such purpose.

It is therefore, requested to please look into the matter, take appropriate action for issuance of certificate of titles as per the prescribed format and report compliance to this Deptt. at an early date.

Yours faithfully

By Fax/E-mail

Director (ST/SC) & Ex-Officio
Addl. Secretary to Govt.

Memo No. 20926 /SSD Dt. 25/06/2012
Copy forwarded to all Collectors (except Rayagada) for information and necessary similar action.

Director (ST/SC) & Ex-Officio
Addl. Secretary to Govt.

Memo No. 20927 /SSD Dt. 25/06/2012
Copy forwarded all PA.ITDAs/ DWOs for information and necessary action.

Director (ST/SC) & Ex-Officio
Addl. Secretary to Govt.

FOR COPY OF FOREST RIGHTS ACT/PRACISES OF FRA-2011

**IV. LETTERS/MEMOS FROM
CORPORATE BODIES &
DIFFERENT GOVERNMENT
AGENCIES & NGO**

Government of Orissa
PANCHAYATI RAJ DEPARTMENT

Orissa Secretariat Sachibalaya Marg,
Bhubaneswar-751001
Tel. No. 0674-2536680/2322875
Fax. 0674-2391413, E-mail- prsec.or@nic.in

No. 17-PADM-19-1033-15718

Date- 10/09/12

**Gram Sabha Sashaktikaran
Karyakram (GSSK) URGENT**

From

**Aparajita Sarangi, IAS
Commissioner-cum-Secretary
Panchayati Raj Department**

**Santosh Kumar Sarangi, IAS
Commissioner -cum- Secretary
ST & SC Dev, Department.**

To

All Collectors

This is to inform you regarding leveraging the "Gram Sabha Sashaktikaran Karyakram" to ensure greater benefits to the SC and ST beneficiaries at the village level. In the meeting chaired by the Chief Secretary it has been decided to take up the following activities:

1. During the Palli Sabha, planning should be made to cover all FRA individual title holders under different developmental schemes like IAY, MO Kudia, NREGA etc. Activities like Land development, farm pond, plantation, etc. Should be made to ensure maximum productive utilization of the land settled with the Forest Rights title holder.
2. Pending claims, if any, from the beneficiaries should be obtained by the Forest Rights Committees (FRC) and the list of such claims received by the FRC should be consolidated for future monitoring and disposal.
3. In the seven Districts where OTELP Plus is under implementation, the interventions relating to Land and Natural resource management should be kept in the perspective plan of NREGA.

While doing the planning for Palli Sabha and Gram Sabha the DWO and WEOs may be asked to facilitate the availability of the list of individual Forest Rights title holder to the respective Palli Sabhas.

The P.A., ITDAs, DWOs and WEOs should be involved in facilitating the entire process.

Yours faithfully,

Sd/-

(Santosh Kumar Sarangi)
Commissioner-cum-Secretary
ST & SC Dev. Department.

Yours faithfully,

Sd/-

(Aparajita Sarangi)
Commissioner -cum- Secretary
Panchayati Raj Department.

**ORISSA TRIBAL EMPOWERMENT & LIVELIHOODS PROGRAMME
(ST & SC DEVELOPMENT DEPARTMENT)**

No.602 dt. 27.5.08

To

The Project Administrator
ITDAs, Balliguda/Parlakhemundi /Koraput /Th-Rampur

Sub: Information on Land related matters.

Sir,

As you are aware, settlement of lands in favour of landless and consequential reduction in the number of landless households in the programme villages has been kept as one of the trigger indicators for Phase-III of the programme. You may also recall the strong observation of the Review Mission members on the slow progress by OTELP in regards to addressing the above issue. Although efforts are being made in this direction through your liaison with Revenue officials, much remains to be done in coming months. You are requested to make concerted efforts to ensure provision of land to the landless in a time bound manner so as to make a significant progress before the next Joint Review Mission expected in November, 2008. You are requested to monitor the progress regularly and furnish the information on the same by 10th of every month unfailingly. The consolidated report will be sent to the Government and other quarters. The information should be sent in the enclosed format.

The list of homesteadless and landless persons as prepared during the baseline survey needs to be reconciled with the Tahsil records and updated. The MIS Executive shall e. mail the above information on 10th of every month to the Revenue & Administrative Officer, PSU, OTELP, Bhubaneswar under the following e-mail address.

e.mail – dash_gopabandhu@rediffmail.com / support @ otelp.org.

Please take note that the Tahasildars, under whose jurisdiction, cent percent result will be achieved within July, 2008 will be felicitated by PSU, OTELP, Bhubaneswar. The concerned P.O. (PM&E) who is in charged of Land Settlement at ITDA will be rewarded suitably on attaining cent percent result in his programme area.

This may please be treated as most urgent.

Yours faithfully,

Sd/-

Programme Director, OTELP,
& Ex-Officio Addl. Secy. to Govt.
ST & SC Development Deptt.Govt. of Orissa

INTEGRATED TRIBAL DEVELOPMENT AGENCY, MALKANGIRI

No. 1448/VII-20/08

Date: 06.06.2008

To,

The Director (ST/SC) cum-Addl. Secy. to Govt.
ST & SC Development Department,
Orissa, Bhubaneswar

Sub: Implementation of the scheduled tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006 and Rules 2007.

Ref: Yours L. No. 22350/SSD dated. 27.05.08

Sir,

With reference to your letter cited above I am to say that the training – cum - awareness workshops on Forest Right Act, 2006 and Rules, 2007 were organized in all 7 Blocks of this District from 24.05.2008 to 02.06.2008. All the newly elected Presidents and Secretaries of the Forest Right Committee from all Revenue villages, their ward members, Sarpanchas, Concerned P.E.Os, and W.E.Os were present at the workshop. Resource persons were called from various line departments of this district such as Sub-Collector, D.F.O, Forest Range Officers, Tahasildar, Special Officer of this ITDA, R.I., Foresters, & Some local N.G.Os. I have also attended Trainings / Workshops. During the awareness workshop it was noticed that there are some technical difficulties for implementation of the act smoothly. Some of the difficulties were raised by the Forest Right Committee Presidents and Secretaries that they do not have contingency/ fund to purchase Registers, files, papers etc. They also claimed that there is provision to supply the Forest Right claim forms 'A and 'B' free of cost. For this purpose & to meet the requirement urgently, my office has printed and supplied about 500 Forms to all the Blocks. In this regard it is requested that some amount in the shape of contingency fund may be sanctioned to the Forest Right Committee / Sub-Divisional Level Committee to avoid the hardships for procurement of the stationeries.

It was also discussed in the training camp that the sketch map of the claimed land is very much essential along with the application form. In case of revenue forests, it would be demarcated and sketch map be prepared by concerned R.I./Amin. But in case of reserved forest, the forest department would provide the sketch map. But as it was learnt from the D.F.O. and Forest Range Officers that they do not have the survey map of their reserved forests. This point was taken up and discussed in the Zilla Parishad Meeting where the Dist. Collector advised to purchase G.P.S (Global Positioning System) sets for preparation of sketch maps of the claimed land in the reserve forest. The Collector has ordered me to purchase some of the G.P.S. sets to meet the requirement.

In the last review meeting of Collectors held at the RDC office, Berhampur, it has been decided to purchase such G.P.S sets from OTELP funds where it is functioning such as Koraput, Kalahandi, Gajapati & Kandhamal Districts. As we do not have any such funds, it may kindly be decided to provide funds for purchase of such GPS sets so that demarcation etc. can be done in the reserved forest area smoothly. In this context, it is requested that necessary funds may kindly be sanctioned to purchase these GPS sets urgently. The number of competent R.Is & Amins

having settlement experience is insufficient in the offices of the local Tahasildars. Therefore it is further requested that the RIs and Amins may kindly be deputed from survey / settlement establishment to expedite the work.

As per the Forest Right Act 2006, the Forest Right claims of the scheduled tribes and other traditional forest dwellers should be settled within three months from the date of convention of the Palli Sabha and constitution of Forest Right Committee. Out of three months, two months have already been lapsed since the constitution of village level Forest Right Committee. All the Forest dwellers including S.Ts have been trained in the awareness/training camps conducted by this ITDA on several occasions. The claimants have been asked to submit the Forest Right claim forms by 15th June. The preparation of sketch map of the claimed land would take a long time. Hence it is requested that the time for settlement of the forest right may kindly be extended till another six months. Therefore, the above mentioned bottlenecks would have to be removed for proper, smooth and timely implementation of the Act and Rules.

Yours faithfully,
Sd/-
Project Administrator
ITDA, Malkangiri.

**ORISSA TRIBAL EMPOWERMENT & LIVELIHOODS PROGRAMME
(ST & SC DEVELOPMENT DEPARTMENT)**

No.653 dt. 9.6.08

To

The Project Administrator
ITDAs, Balliguda/Parlakhemundi /Koraput /Th.Rampur

Sub: Action on Land related matters.

Sir,

1. In continuation of this offices letter No.602 dtd.27.5.2008, I am to enclose herewith a copy of the letter No.24571 dtd. 5.6.2008 of Revenue and Disaster Management Department addressed to concerned District Collectors for your ready reference and immediate follow up as mentioned below.
2. You are requested to translate the aforesaid letter into Oriya & other tribal language, if possible, and circulate the same among the VDCs/VLSCs, Grampanchayat, FNGOs of concerned villages for elaborate discussion and necessary follow up.
3. FNGOs may be requested to create awareness and take up training pogrammes and coordinate with Tahasildar / Sub-Divisional Forest Right Committee for expeditious disposal of application received from landless persons of concerned villages. Besides they will have to give a certificate that there is no landless person in their OTELP operational villages by September, 2008.
4. P.A., ITDA and PO(PME) will be the responsibility centres for taking up action under Land/Forest Land Right Settlement. The Community mobiliser, WDT members and two volunteers of each VDC, whose names and mobile no. be given to PSU, will be assigned the following task.
 - i) Community Mobilizers/WDT (Social)/ Volunteers have to take printed application forms and get them filled up by the landless families under OGLS Rule/ OPLE Act and submit the signed applications to Tahasildar by 30.06.2008.
 - ii) Printed forms in prescribed format for Forest Right Act have to be filled up by the villagers by 30.6.2008 in a campaign mode and be submitted to Sub-Divisional Forest Rights Committee by 30.06.2008 in respect of all programme villages, if not done till date, following due procedure.
5. Hand held GPs instruments (2 nos.) for each ITDA may be procured following due procedures from out of OTELP fund ear-marked for procurement of survey materials under Land & Water Management and handed over to the concerned Sub Collector and Sub-Divisional Magistrate under intimation to Collector-cum-Chairman District Level Programme Management Committee. The Sub-Collector shall receive the same from ITDA and utilize it in conducting survey in OTELP villages.
6. You may organize exposure visit of the concerned survey staff inside or outside the state for familiarizing the operation of Hand held GPs instruments. In this regard the P.A., ITDA, Parlakhemundi may provide details of the exposure visit to Srikakulam district already organized by the District Collector, Gajapati.

7. In 2nd week of July, 2008 there will be a joint review of the progress of land settlement under OPLE Act/ OGLS Rules /Forest Right Acts by Commissioner-cum- Secretary, ST & SC Development Department & Chairperson, OTELP and Commissioner-cum- Secretary, R& DM Department, Govt. of Orissa at Koraput. Immediate step may please be taken to settle the cases of at least 50% landless persons of targeted families by that time.
8. Monthly Report in the prescribed format enclosed herewith should be submitted by 10th of each succeeding month enabling this office to compile the same and submit with the Commissioner-cum-Secretary, ST & SC Development Department by 15th of every month. Deadline shall strictly be followed
9. Revenue & Administrative Officer, PSU, OTELP will visit each district to review the progress of aforesaid work once in every month. Nodal officers of PSU will also review the same during their field visit to respective districts.
10. You must have already reconciled the list of landless persons provided by PSU to you with the concerned Tahasildar by now. So you are in a position to finalize the village wise list and monitor the progress individually every week at your level and pursue with revenue authority to expedite the settlement process.
11. You and P.O.(PME) shall attend the monthly District Revenue Review Meetings of Collector and sort out issues if any, there.
12. You are also to report the number of training imparted to the FRC at the Panchayat level, Sub-Divisional Committees and District Level Committees.

This may please be treated as most urgent.\

Yours truly,

Sd/-

Programme Director, OTELP
& Ex-Officio Addl. Secy to Govt.
ST&SC Development Department.
Orissa, Bhubaneswar.

**ORISSA TRIBAL EMPOWERMENT & LIVELIHOODS PROGRAMME
(ST & SC DEVELOPMENT DEPARTMENT)**

No.658 Date: 9.6.08

To

The Project Administrator
ITDA, Koraput, Parlakhemundi, Balliguda/Th.Rampur

**Sub: Minutes of 9th Meeting of State Level Programme Management Committee (SLPMC)
under OTELP.**

Sir,

Enclosed please find herewith the copy of the minutes of 9th meeting of SLPMC held on 6th June, 2008 under the Chairmanship of the Commissioner-cum-Secretary, STSCDD and Chairperson, OTELP for information and necessary follow up action. A compliance report on the action taken at your level may please be furnished to PSU, OTELP immediately.

It is further requested that the copy of the aforesaid minutes may be circulated among the FNGOs under your jurisdiction for needful action at their end.

Yours faithfully,

Sd/-

Programme Director, OTELP,
& Ex-Officio Addl. Secy. to Govt.
ST & SC Development Deptt. Govt. of Orissa

**ORISSA TRIBAL EMPOWERMENT & LIVELIHOODS PROGRAMME
(ST & SC DEVELOPMENT DEPARTMENT)**

No. 670 / 123/06

Date. 12.06.08

To

LAND URGENT

The Sub-Collector,
Paralakhemundi, Gajapati

Sub: Settlement of Govt. Land including unsurveyed land with eligible landless tribal families and conferring forest rights as per the Scheduled Tribes and Other Traditional Forest Dwellers Act 2006 & Rules 2007.

Sir,

Kindly recall our discussion dated 11.06.08 on the above noted subject. It was a happy coincidence that you were in the district Revenue meeting presided over by ADM and I had the opportunity to brief the ADM on the importance of settling land to landless tribal families under OGLS / OPLE Acts pending survey in the slopes beyond 10° in the OTELP villages of your respective district. PO (PM&E), OTELP was also present in the said meeting and I am told that he has facilitated the supply of the list of landless person village wise to Tahasildars.

2. The copies of the proceeding of the SLPMC meeting held on 06.06.2008, Letter No. 24571 dated 5.6.2008 addressed to Collectors Kalahandi, Kandhamal, Koraput and Gajapati by Joint Secretary to Govt. Revenue & DM Department, Letter No.653 dtd. 09.06.08 addressed to PA., ITDAs by PD, PSU, OTELP are enclosed for your kind perusal and necessary follow up action.

3. The following are the areas of facilitation from OTELP side at ITDA level to help support your dynamic endeavour to complete the processes of settlement / conferment within **September, 2008.**

- i. Hand held GPS survey instrument will be made available to you by PA, ITDA shortly for surveying the forest (Both reserve./ revenue) areas for conferring forest rights on tribals.
- ii. Exposure visits for Tahasildar / RIs on use of GPS instruments for survey have already been facilitated by Collector Gajapati. Similar actions may also be initiated by other Sub-Collectors to acquaint revenue authorities on handling hand held survey instruments.
- iii. PA, ITDA/FNGOs will facilitate the supply of forms to Programme villagers and help process the claims in Pallisabhas / Gramsabhas.
- iv. FNGOs will organize capacity building trainings of various Forest Right Committees.

- v. FNGOs are also facilitating the land less persons to apply in appropriate forms for settlement of land in their favour under OPLE/OGLs Acts.
 - vi. List of landless persons will age wise and their reconciliation with Tahashil records to find out eligible landless tribals of programme villages have also been prepared by FNGOs and the same may make the task of identification of landless easy for revenue authorities.
 - vii. Settlement of claims in the OTELP villages in camp courts by Tahasildars may also be organized and for that the vehicle support as and when required will be provided by PA, ITDA under OTELP.
 - viii. Letter No.24571 dt.5.6.2008 by Joint Secretary to Govt. in Revenue & DM Department has also been translated into Oriya by PA, ITDAs and distributed to VDCs, VLSCs and GPs of programme areas for discussion and follow up action
4. The Commissioner-cum- Secretary to Govt. ST & SC Development Department and Chairperson of OTELP & Commissioner-cum- Secretary to Govt. Revenue Department will review the progress of settlement in the **second week of July, 2008 at Koraput**. At least 50% of the applications be finalized by end of **August 2008**.
5. The progress with regard to land settlement under OTELP will be reviewed of by the Commissioner-cum- Secretary to Govt. ST & SC Development Department, every month hence, Tahasildars may please be requested to report month wise achievement to you and from your end the PA,ITDA will collect and submit to PSU on or before **10th of every month**.
6. I would request to kindly impress upon Tahasildar / Addl. Tahasildars under your jurisdiction to expedite the process of settlement.

Thanking you for your kind cooperation and assurance to achieve the target within the deadline fixed.

Yours faithfully,
Sd/-

Revenue & Administrative Officer, PSU, OTELP

**ORISSA TRIBAL EMPOWERMENT & LIVELIHOODS PROGRAMME
(ST & SC DEVELOPMENT DEPARTMENT)**

No. 681 dt. 13.6.08

To

The Collector,
Kandhamal, Kalahandi, Koraput, Gajapati

Sub: 1. Oriya Version of letter No. 24571 dt. 5.6.2008 of Jt. Secy. to Govt. Revenue & D.M. Department.

2. Inclusion of Sub-Collector on special invitee to DPMC Meeting.

Sir,

I am to say that in the last meeting of the State Level Programme Management Committee (SLPMC) of OTELP (Proceeding sent vide this office Memo No.659 dt. 9.6.08), settlement of Govt. land including un-surveyed land in favour of eligible landless tribal families has been given much importance and accordingly the letter no. 24571 dt. 5.6.08 of Jt. Secretary to Govt. Revenue & DM Department was forwarded to you. The Oriya version of the letter is sent herewith for necessary action at your end. Meanwhile, the PA, ITDAs have been authorized to procure two hand held GPS per each Sub-Division covering OTELP to facilitate survey work by Sub-Divisional Forest Right Committee headed by Sub-Collectors. The Revenue & Administrative Officer, PSU has also discussed with the Sub-Collectors of your district on modalities of facilitation between ITDA and Sub Divisional Forest Right Committees. They have also been requested to select Tahasildars/ Additional Tahasildar /R.Is who will be given training on the use of hand GPs instruments. Necessary exposure visit for the same may also be arranged at your end.

In this connection, I may also request you to kindly invite Sub-Collector as Special Invitee to the Meetings of District Level Programme Management Committee (DPMC) of OTELP henceforth.

Since the Commissioner-cum- Secretary ST & SC Development Department & Revenue Secretary to Govt. will review the progress made in settlement of land with landless and conferring of forest rights in mid July, 2008 at Koraput, expeditious steps may kindly be taken to achieve substantial progress.

Yours truly,

Sd/-

Programme Director, OTELP
& Ex-Officio Addl. Secy to Govt.
ST&SC Development Department.
Orissa, Bhubaneswar.

EXPERIENCES AND ISSUES – FRA IMPLEMENTATION

CSOs Collectives

25th June 2008

Participants

Representatives from Orissa, SWATI, PAHAD, INDIA, WORD, WOSCA, RRO, KASTURI, VIKAS NIKETAN, SAHARA, NDSWAD, READ, Prayas, IWDS, RCDC (I) CWS (I) Vasundhara (1) NCDS (1) EKTA Parishad (1) FES (1), CLAP (1) and CPF(7)

Total -45

District Represented

Angul, Nawarangpur, Keonjhar, Kandhamal, Rayagada, Mayurbhanj, Sundargarh, Koraput, Nayagarh, Deogarh, Gajapati, Malkangiri, Kalahandi, Nuapada and Boudh

Total- 15

Status of Implementation

- Process is on every where though at different levels
- Awareness in the community and among the FRC members is very poor
- Clarity and coordination among the facilitating Govt. Officials are low
- Claims are being submitted for individual rights invariably
- Proactive NGOs get involved in the process
- Physical verification not yet initiated mostly
- Trainings and workshops to FRC members only at block level mostly and at cluster level (RI) in some places
- Mass awareness programmes were not conducted in most of the districts
- Communication gaps between officials and community /FRC members
- Forms A & B are not supplied at the community level in most places
- In some villages of few districts (Gajapati, Nayagarh, Koraput, Deogarh and Boudh, Nawarangpur, Keonjhar) claims are submitted to SDLC due to the proactive role played by NGOs.

Observations:

- Revenue village level Palli Sabhas were organized, with few members.
- FRC members were nominated not elected
- Many FRC members don't know that they are FRC members.
- Women representation on FRCs is poor (below one third)
- After receiving "A" forms receipts were not given to many applicants.
- Form "B" is not applied in many habitations
- No Records are provided to FRC
- FRCs are also not maintaining any records of claims submitted
- Lack of transparency at village level about the claims received and sent to next level mostly
- Some tribal villages/ hamlets are not covered for the implementation

Issues

- In some areas, the committee members are nominated without the knowledge of the local community.
- In some areas, the highly influential people, who are not eligible, have submitted claims
- In some areas, the claimants have been identified without conducting Palli Sabha
- In some areas, the Forest Departments are leveling lands afresh
- Obtaining caste certificate from Tehsildar (as evidence) in case of tribals is becoming difficult, especially in forest villages.
- Conflicts in the VSS and non VSS villages in JFM areas
- Inter village conflicts regarding filing of claims
- The potential of local NGOs is not being harnessed to aid effective implementation
- Political interference/vested interests is creating problems in some areas
- No specific budget allocation by the Govt. for the implementation of the Act.
- Information about the State level monitoring process and actions etc. are not widely published.
- In some areas, the smugglers in their vested interest, are encouraging the local community to clear fell the forest so that the claims can be submitted
- In most of the areas, the claimants applied for their Individual Entitlement but not applied for Community Rights like Grazing lands, Pathways, Burial Grounds, Temples, Rivers and Stream etc.

Suggestions:

- Pallisabha has to be held at habitation level
- Trainings need to be imparted to FRC members on their roles and responsibilities
- Inter departmental coordination has to be enhanced
- Representation of non tribals in FRCs need to be looked into
- Women representation in FRCs as per the Act to be ensured
- GOs/Circulars related to the Act need to be widely disseminated in local language
- Claims in the Joint names of man and woman need to be encouraged
- Claims have to be sent to next level through the Palli Sabha invariably and presence of 2/3rd members to be ensured in all such meetings.
- Scrutiny of claims vis-à-vis the number of house holds in the hamlet so that eligible persons will not miss out
- Physical verification and demarcation & mapping has to be done in the presence of FRC members only.
- Last date for submission of claims has to be extended
- Awareness against clear felling (now) has to be created
- TA and DA has to be provided to FRC members when they attend training programmes
- NGOs involvement has to be encouraged for strengthening FRCs
- Clarification regarding the extent of land has to be issued (e.g. if a person has revenue / D patta land together 10 acres, can he/she still submit claim for forest land?)
- Guidelines have to be issued that the claims can not be received from elite non tribals

Issues

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**OFFICE OF THE COLLECTOR AND DISTRICT MAGISTRATE,
GAJAPATI, PARLAKHEMUNDI**

L.No.1612/ dt. 11.07.08

OFFICE ORDER

For smooth and timely completion of verification of claims and applications received under Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Right) Act, 2006 and Rules, 2007 from the FRCs, the following arrangements have been made among the RIs and other field functionaries from 15.7.2008 to 31.07.2008. They are instructed to make detailed field inquiry, verify the area of occupants, prepare Map and supply to the Forest Rights Committees. They should also assist the Forest Rights Committee to prepare case record in favour of each applicant and submit the same to the Sub-Collector and Chairman of the SDLC, Paralakhemundi immediately after completion of survey and field work. Any deviation will be viewed seriously.

The President / Secretary of respective FRC will also remain present in the village during the visit of the survey team. The forest officials of the respective area are required to assist the survey team as per the scheduled programme.

Sd/-

Collector & D.M. Gajapati

**ORISSA TRIBAL EMPOWERMENT & LIVELIHOODS PROGRAMME
(ST & SC DEVELOPMENT DEPARTMENT)**

No. 825 dated 21.7.08

To

The Project Administrator
ITDA, Balliguda

Sub: Proceeding of Workshop on land rights held on 15.7.08

Ref: Letter No. 712 dtd. 18.7.08

Sir,

This is to acknowledge with thanks the initiative taken for organizing Workshop on land rights on 15.07.08 involving Sub-Collector, Balliguda, DFOs Balliguda and Phulbani and Tahasildar/ Additional Tahasildar and NGO partners. The training and capacity building programmes indicated in the proceedings is also a welcome step. In the mean time, it is hoped that the FNGOs must have selected one WDT member as a nodal member for the purpose of land settlement whose names be communicated to Tahasildars also. The PO(PM &E) should ensure that the list of encroachers on revenue and forest lands after verification by revenue & forest authority respectively, be collected from Tahasildar and DFOs. On the basis of this, action may be taken to facilitate settlement of revenue land under OGLS and conferment of forest rights to eligible landless tribal families. Maps may also be obtained from Revenue & Forest Authorities for the purpose of survey and settlement. You must have handed over the hand held GPS sets to the Sub-Collector and also calculated the man power required to assist the Revenue Authorities and the fund requirement for payment of such engagement along with logistic arrangements.

You are requested to monitor the progress of land settlement on a daily basis and pursue the revenue and forest authorities to expedite the process so as to complete the same by end of August, 2008 for OTELP areas. This may be treated as most urgent.

Yours faithfully,

Sd/-

Programme Director, OTELP
& Ex-Officio Addl. Secy to Govt.
ST&SC Development Department.
Orissa, Bhubaneswar.

**ORISSA TRIBAL EMPOWERMENT & LIVELIHOODS PROGRAMME
(ST & SC DEVELOPMENT DEPARTMENT)**

No.836 dt. 24.7.08

To

The Project Administrator
ITDAs, Balliguda

Sub: Engagement of support staff for land survey in OTELP areas.

Ref: Your Letter No.749 dt.23.7.08

Sir,

With reference to the subject cited above and in continuation to Letter No.776 dtd. 14.7.2008 of PSU, it is hereby clarified that after careful consideration it is decided that the support staff (if required) to be engaged by the Revenue authority to assist the regular Revenue staff of Tahasil in survey work for OTELP areas exclusively, may be paid the minimum rates of wages payable to skilled categories as per the notification of Labour & Employment Department, Govt. of Orissa Notification dt. 28.4.2007. A copy of the said notification is enclosed for your ready reference. The payment as per the above rate may be made by the Revenue authorities on the basis of the muster roll in support of the engagement. You are required to place funds with them towards payment of wages after calculating the person days and the quantum of work. Tahasildars may be requested to give Utilization Certificate to P.A ITDA after payment of wages along with a duplicate copy of the muster roll for record at ITDA level. The expenditure on this account may be charged to the Legal Defense Fund under the programme component of Support for Policy Initiatives.

This arrangement will continue till the survey/ settlement work in OTELP areas are completed or the survey and settlement wing is attached to ITDAs by the Revenue Department, whichever is earlier

This may please be treated as most urgent.

Yours truly,
Sd/-

Programme Director, OTELP
& Ex-Officio Addl. Secy to Govt.
ST&SC Development Department.
Orissa, Bhubaneswar.

**ORISSA TRIBAL EMPOWERMENT & LIVELIHOODS PROGRAMME
(ST & SC DEVELOPMENT DEPARTMENT)**

No. 896 dt. 4.8.08

To

The Project Administrator,
ITDAs, Koraput/Parlakhemundi, Balliguda, Th. Rampur.

Sub: Information on "Mo Jami-Mo Diha" (My land My homestead) Campaign.

Ref: Letter No.34502/ R &DM dt. 28.08.2007

Sir,

The Chief Secretary Orissa, while reviewing the performance of OTELP on 30.07.08 enquired about the achievement made so far under the programme 'Mo Jami-Mo Diha' (My Land and My homestead) in the OTELP areas. Letter of the Chief Secretary addressed to all Collectors vide above reference is sent here with for thorough discussion and chalking out the modalities of achieving the following objectives enshrined in the above letter.

- a. To Protect and ensure the land rights of the poor, who were allotted lease of Govt. Lands earlier or restored their lost land.
- b. To achieve convergence with development schemes to see that the land allottees are in a better position to utilize the land; and
- c. To assist the poor, with emphasis on those belonging to ST & SC community, to retain their land & homestead within the existing legal framework.

The District Collector have been suitably instructed to report in the MPR format enclosed in the letter by 5th of every month. The achievement made against eleven items of the said letter is reviewed by the Govt.

In the light of the above instruction, you are requested to do the following.

1. Please collect the information in respect of each item from district office with regard to OTELP villages.
2. Facilitate the revenue authority to expedite the process of implementation of the "Mo Jami-Mo Diha" Programme.

3. Modalities of facilitation in terms of logistic support may please be finalized in consultation with revenue authority by 10.8.2008 & report compliance for kind perusal the Commissioner-cum- Secretary, ST & SC Development Department and Chairperson, OTELP.
4. You are requested to physical verify the land allotted to the landless families in a campaign mode.
5. Since there is a provision for legal defense fund, you can identify such cases in OTELP villages only and asses the legal assistance required for restoration of tribal land.
6. Your report should reach to the undersigned for compilation by 5th of every month positively.

This may please be treated as most urgent.

Yours faithfully,

Sd/-

Programme Director, OTELP
& Ex-Officio Addl. Secy. to Govt.
ST&SC Development Department.
Orissa, Bhubaneswar.

REGIONAL CENTRE FOR DEVELOPMENT COOPERATION
Sahid Nagar, Bhubaneswar.

To

Dated, 11.9.2008

Mr. Ajit Tripathy, IAS,
Chief Secretary to Govt. of Orissa
Chairperson State level Monitoring Committee, Orissa

Sub: Issues in claim verification by SDLC with regards to Forest Rights Act in Gajapati District, Orissa.

The following are for your kind perusal and necessary action.

Sir,

As you know, as part of the process of implementation of the Forest Rights Act 2006, District authorities in many districts have started verification of claims submitted to the respective sub-Divisional Level Committees (SDLC) ; Work in this regard has also been expedited by the fact that the State Government has come out with a circular to complete the process of land rights recognition by January 2009. But in almost all the districts there are examples of faulty processes being employed for this purpose. A case in point is processes going on the moment in Gajapati district. We take this opportunity to bring this to your kind notice.

In Gajapati district the district level committee (DLC) has issued an order to all the Tahsildars on dated 11.7.08 to verify the claims in the field by engaging the concerned Revenue Inspectors (RI) and Amins and in this regard they had also prepared a schedule. Now since all these officers are not aware of the Act the demarcation is only being limited to the revenue forest areas and other areas (forestland) where people have claims and claims to that effect have been submitted are not being verified. No instruction or guideline has been given to the RIs to follow a particular process. When asked why they are not verifying the forest areas the RIs expressed that they have received no such instruction from their higher ups to verify forest areas. Now body knows who is going to verify forest areas. Under these circumstances the basic spirit of the Act that is recognition and vesting of forestland rights to tribals and other forest dwellers is diluted. Moreover, there is also utter confusion on demarcation of the community forest resources as nothing seems to be moving in the field.

We believe that a clear instruction along with a guideline has to be given to the district authorities by the nodal SC and ST Development Department. Either no such instruction has gone to the districts or there is volition of the instructions. If given Hope the SLMC is monitoring implementation on a regular basis. Neither the district authorities nor the RIs in the field could give a satisfactory answer as to how forestland is going to be verified?

Saur Kurianda is one of the villages in Gajapati district under jeeba RI circle. The RI had visited this village on dated 27.7.08. he had only gone to the forest areas under revenue area and not verified all the areas claimed by the villagers. This village has only 0.5 acres of forestland in revenue area. So the people complained it to the Sub-Collector (Chairperson of SDLC Paralakhemundi) and the Sub-collector had stopped the process till further order.

We also take this opportunity to cite an example from the field to further substantiate our point. Some months back. We had brought to your kind notice about the plantation activities being taken by the Forest Department in several districts and especially about an almost law order situation in Nuapada district because of plantation under the JBIC project. The Forest Department in order to prove the claims wrong to taking up large scale plantation in cultivated areas that is leading to conflict between the department and the people we had also informed you about a similar case the Benlamaliguda in Boipariguda block of Koraput district very recently. One more such example has come from binjiriguda one of the village in Lad Reserve forest coming under the Forest Beaf – Siali, Forest Section – Kashinagar, Forest Range- Kashinagar, D- Paralakhemundi, District –Gajapati. In this village, people are protesting plantation activities being undertaken by the forest department very recently. Forest Departments play is clear that if there is plantation in an occupied area. Tribals will not be able to prove occupation prior to December 2005 and as a result their rights will not be recognized as per law.

We therefore request that strict instructions may kindly be given for proper verification of claims and stop plantation activities which is going on war footing. As the nodal monitoring body and the custodian of the Act, we believe your intervention is going to ensure land rights to Thousands of tribals in Orissa languishing in poverty and uncertainty.

Expecting your kind and quick intervention

With sincere regards,

Sd/-
(Sanjoy Patnaik)
Director, NRM Programme

CAMPAGN FOR SURVIVAL AND DIGNITY, ORISSA CHAPTER

*State Convener: Sri Gopinath Majhi At-
Jayagudia, Po. - Banjari,
Via - Belpahar Dist.- Jharsuguda, Orissa*

*National Convener: Pradip Prabhu 3,
Yezdeh Behram, Kati, Malyan,
Dahanu Rd. 401602*

To

The Secretary - cum - Commissioner,
SC & ST Development Department,
Govt. of Orissa.

Sub: Major Concerns raised for better implementation Forest Rights Act in Orissa by CSD, Orissa.

Respected Sir,

The Scheduled Tribes and Other Traditional Forest Dwellers I(Recognition of Forest Rights) Act, was passed by the Central Government in December, 2006 after a long struggle of Tribal and forest dwelling communities throughout the country spearheaded by National Campaign for Survival and Dignity (NCSO), a national level campaign group that was instrumental behind enactment of this progressive legislation. This campaign is currently working to ensure that the Act is implemented in its letter and spirit. Implementation of this Act is already started in Orissa and Forest Rights committees have been formed at the Village Level. Government is claiming to have formed 32,000 FRCs excluding the Laxmipur Constituency. But most of the FRC members do not know what to do. Even the members of State Level Monitoring Committee / DLC / SDLC are unaware of their role and responsibilities. The following major concerns are being raised by CSD, Orissa for your attention and immediate action.

1. In most of the villages notices for the Palli Sabha did not reached before 15 days, Palli Sabhas were mostly held without the requisite quorum of two third majorities of the adult members of the villages. Since FRC were formed at the revenue village level, FRC could not formed in the thousands of forest villages / un-surveyed villages including many other villages. Adequate representation of the PTG and forest dwellers could not been possible in the most of the FRCs and in many FRCs members / secretaries and presidents are coming from the revenue areas and members of VSS excluding the forest dwellers and PTG as the members of the FRC. Even the Government people who were deputed (like Teachers, GRS, VLWs, Aganwadi workers, Engineers etc.) for holding Gram Sabha were unaware of the provisions of the Forest Rights Act and on PESA, 1996 and asked the villagers to form "Jungle Surakshya Committee" instead of "Jungle Adhikar Committee". In most of the cases, secretaries/ deputed authority of a G.P went to the village with the format and just filled up the forms and took the signatures of the FRC members who were remained present in the meeting.

While the Forest Rights Act gives emphasis on the central PESA Act 1996, and have empowered the Gram Sabha (Palli Sabha), But the FRC formation resolution is not with the Palli Sabha till date which is in violation of the spirit of the FR Act and reflecting the **SARKARI KARMACHARI RAJ**.

Our Demand

- Let the FRC be formed at the Pada / hamlet level of the forest villages and un-surveyed villages.
- Let the forest dwellers form new FRC where the required quorum could not been possible in the Gram Sabha and proper representation of the forest dwellers and PTG are not there.
- Form FRC as soon as possible where FRC has not been form till date including the Laxmipur Constituency.
- Give the actual district wise status report of the FRCs formed in the State.
- To stop "**Sarkari Karmachari Raj**" and empowered the Palli Sabha.

2. The most important responsibility under the Act has been given to the Sub-Divisional Level Committee to provide training to Committee's members, raise awareness among forest dwellers about the objectives and procedures laid down under the Act and in the rules, to ensure easy and free availability of proforma (form) of claims to the claimants, etc.

All these committees (SLMC/ DLC/SDLC) should have been formed before the formation of FRCs so that necessary support could have been supplied to the FRCs. However, in many districts, the Sub-Divisional Level Committees are yet to be formed. Even the members of all these committees do not know about their role and responsibilities. While there is no mention of the role of BDO in the Forest Rights Act and the Rules, the Orissa Government gave the whole responsibility to hold Gram Sabhas to the BDOs and all resolution copies of the Palli Sabha (Gram Sabhas) and list of the FRCs are still with the BDOs and G.P. Secretaries and are yet to be send by the FRCs to the SDLC. This is a gross violation of the provision of the Act.

Despite all the provision of the Act, the forest dwellers are still facing problem in getting the prescribed forms, documents, maps and the most important thing is training as to how to fill up the forms and submit their claims.

Forest Rights Act and Rules has assigned the SC and ST development Department as the Nodal Agency for the implementation of the Act, the Department is still silent while the Scheduled Tribes and forest dwellers are facing lot of problems.

Our Demand

- Give the Status report of the formation of FRCs, District Level Committees (DLC) and Sub-Divisional Committee (SDLC).
- Give direction to the SDLC and DLC to do their assigned duties under the Forest Rights Act in providing requisites training to the FRC Members, supplying sufficient forms to the forest dwellers free of cost, supply all necessary information, records, maps secondary data, ROR, forest, blocks Map to the Gram Sabha (Palli Sabha).
- Immediately transfer the resolutions and list of the FRCs copies from the BDOs to the SDLC.
- Like the duty of the Revenue Department to supply records, map, RoR to the FRC, the Forest department (DFO) also should supply all forest blocks map to the FRC free of cost.
- Tribal Department **"Hos me Awo"**

3. During implementation of the Forest Rights Act, the Govt. of Orissa is more focusing on the individual forest land rights rather than the forest rights of the community. The assumption is that after giving the individual rights, the community rights can be easily handed over to other private parties.

Our Demand

- Let the Government give more importance to the Community Rights. Recognize the community initiative in the protection of CFR. Withdraw the Sarkariraj on the community land and community forest.

4. While the preamble of the Forest Rights Act has admitted that the rights of the forest dwellers could not been "adequately recognized in the consolidation of State forests during the colonial period as well as in independent India resulting in historical injustice to the forest dwelling Scheduled Tribes and Other Traditional Forest Dwellers who are integral to the very survival and sustainability of the forest ecosystem" and felt to addressing the long standing insecurity of tenurial and access rights of forest dwelling Scheduled Tribes and other traditional forest dwellers, there are still number of illegal cases filed against thousands of forest dwellers, they have been tortured and falsely convicted by the forest Department.

Our Demand

- Withdraw all cases against all the forest dwellers immediately and allow them to enjoy their traditional rights which they have been enjoying from the beginning.

5. The provision of ST certificate has created a big problem to the forest dwellers. Since most of the Tribal Forest dwellers live in forest villages, they do not have patta land so as the ST certificates. Even they rarely were involved in the stream of development and banking system. As a result, they never required ST certificate. Even after the application, the Tehesildars are not issuing them the ST certificates despite of the provision that he can issue ST Certificates despite

of the provision that he can issue ST certificate after taking witness of the elder person of respective villages. Thus the ST certificate as prescribed in the ACT has become an important problem for the schedule tribe forest dwellers.

Our Demand

- Let the Gram Sabha (Palli Sabha) be authorized to certify the ST status of a person during making resolution against the forest dwellers by the Grama Sabha. Let the SDLC check it out after receiving the claims from the Grama Sabhas.
- Let the Revenue Department issue a circular authorizing the Gram Sabha (Palli Sabha) to issue ST certificate only for this FR Act.

6. Even after the passage of the forest rights act in 2006 and giving ownership of the forest to the community, the Forest Department is still playing dominating role upon the schedule tribe and forest dwellers. It is still continued with its programme of plantation on the forest land occupied by the forest dwellers and community under different programmes i.e. JFM, JBIC Project, OFDC Plantation, Bio diesel Plantation. Besides, under different developmental Government programmes i.e. OTELP, Watershed and WFP, plantation are been done on the forest agriculture and community land which is the gross violation of the spirit of the Forest Rights Act.

While the Forest Rights Act ha given the ownership rights over the MFP like Kendu leaf and bamboo under Section 2(i) of the Forest Rights Act, 2006 to the community, the forest department (KL) is still continuing it's **FOREST DEPARTMENT RAJ AND FOREST KARMACHARI RAJ** over these MFPs and excluded community rights violating the FR Act.

The Forest Department is also unable to protect the forest and watching silently of the transfer of thousand hectares forest land for non forest purposes.

Forest Department is playing a dividing role amongst the community by creating VSS in the forest villages leading to commercialization of forest and bad impact upon the forest community.

While the Forest Rights Act 2006 recognizes the forest rights of the community before Dec.2005 and gives ownership to the community over all planted trees etc, then how it is possible to hand over the Cashew trees to the Cashew Corporation excluding the genuine rights of the community. For example, Koraput district.

Our Demand

- Stop **FOREST DEPARTMENT RAJ AND FOREST KARMACHARI RAJ**.
- Stop eviction doing plantation programme on the forest land under any project like JBIC, OFDC, OTELP, Watershed and WFP etc.
- Issue special Circular to the FRC (Palli Sabha)/SDLC and DLC giving ownership rights over Kendu leaf and Bamboo.
- Stop transfer of Forest Land for non forest use.
- Ban VSS. There is no need of VSS further after this Forest Rights Act which empowered and authorized the community to protect the forest themselves.
- Stop auction of cashew and immediately hand over the community as per the FR Act, 2006.

7. The recently declared Tiger Reserved by the Government of India is illegal as per the FR Act, 2006.

Our Demand

The Orissa Government should protest the declaration of tiger reserved by the Govt. of India in Satkosia and others. We demands first settlement of forest rights then follow any other process again according to the given provision of the Forest Rights Act, 2006.

8. Allocation of Budget for the better implementation of Forest Rights Act, 2006 and immediate release funds to the SLDC towards providing all necessary supports to the FRCs.

9. The Orissa Government should insist upon a time bound plan for the implementation of Forest Rights Act in the State.

Yours faithfully,

Sd/-

Gopinath Majhi

State Convener and Members

Campaign for Survival and Dignity, Orissa

**ORISSA TRIBAL EMPOWERMENT & LIVELIHOODS PROGRAMME
(ST & SC DEVELOPMENT DEPARTMENT)**

No. 1590 dated 26.11.2009

To

The Director

SCSTRTI, Bhubaneswar

Sub: Study on implementation of ST & Other Forest Dwellers (Recognition of Forest Rights) Act, 2006

Ref: Your Letter No. 3446 dtd. 23.11.2009

Sir,

With reference to the above mentioned subject and letter, I am to send herewith 8 Nos. of letter addressed to the P.As. of ITDAs of OTELP districts relating to the effective implementation of the ST & Other Forest Dwellers (Recognition of Forest Rights) Act, 2006 for your reference.

Yours faithfully,

Sd/-

Programme Director, OTELP
& Ex-Officio Addl. Secy. to Govt.
ST&SC Development Department.
Orissa, Bhubaneswar.

To

The Commissioner-cum-Secretary,
Deptt. Of SC & ST Development Department
Government of Orissa

Sub: Regarding Government of Orissa notification for convening special Palli Sabha on 18th January 2009 in the State.

Dear Sir,

The ST & SC Development Department, Government of Orissa has issued a letter (No.TD-II-11/08) on 6th January 2009 to all the PA., ITDAs and all DWOs wherein they have mentioned that as per the direction of the ST & SC Development department the Panchayati Raj Department has requested all Sarpanchs in L.No.49408/PR dated 30.12.2008 to convene special meeting of Palli Sabha /Gram Sabha throughout the state on 18.01.09 to consider the claim cases received by FRC/recommended by SDLC for consideration of SDLC as per statutory requirement. This is another proactive step taken by the Government of Odisha which shows the commitment of the Government towards implementing the Forest Rights Act.

In view of the referred notification we would like to bring your notice some of the concerns which have arisen at the field level.

1. Although the notification for the special meeting of the Gram Sabha/ Palli Sabha was issued by the Panchayati Raj Department on 30th December 2008 for discussion on important matters like consideration and approval of claims, information regarding the notification has not reached till date to the Gram Panchayats and the FRCs as a result of which there is a confusion regarding the very purpose of this Special Gram Sabha/Palli Sabha.
2. According to the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, Gram Sabha is the authority to initiate the process of determining rights which included receiving and verifying the rights of the scheduled tribes and other traditional forest dwellers. It is observed that in many parts of the state the process of verification of rights is not completed and the verification process has only considered individual rights leaving out the other community rights claimed by the community. So it should be the prerogative of the Gram Sabha to consider final approval of claims only when the process of verification in respect of all rights recognized under the Act and claimed by the forest

communities is complete. In this context the notification seems to have been issued by the Government overlooking the present status of claims and the exact progress in the process of verification.

3. there is an apprehension that if such Gram Sabhas /Palli Sabhas are convened without the prior information and without taking into account the preparedness of the Gram Sabhas/Palli Sabhas then it might reduce the role of the Gram Sabha/Palli Sabha to merely a body for endorsing executive orders without considering the claims and interests of the forest communities.
4. Effective coordination among the Revenue, Forest and Welfare Department during the verification and demarcation is a matter of concern for the FRC.
5. It is observed that the verification process supported by the SDLC appointed team has limited the verification exercise to consider only claims from the Scheduled Tribes and has left out claims of the Other Traditional Forest Dwellers and also community forest rights.
6. The Verification process is not initiate in many of the Forest and Unsurveyed villages. The verification team is not duly informing the FRCs prior to the field verification.

In view of the problems shared above land in view of the situation arising because of the Government notification for Palli Sabha on 18th January 2009 we would like to make following suggestions for addressing the issues raised in this memorandum.

1. The ST & SC Development, which is the nodal agency for implementation of the Act, should issue direction to the Panchayati Raj Department to instruct the appropriate authorities to convene Palli Sabhas /Gram Sabhas as and when the process of determination of rights is complete in all respect in a village.
2. Palli Sabhas/Gram Sabhas should be convened in a phased manner so as to enable the Gram Sabhas/Palli Sabhas to complete the mandatory processes for determination of rights at the village level.
3. There is a need to streamline the ongoing process of verification started by the verification team. In this regard we would like to share our suggestions which are detailed below.
 - a) The field verification of claims needs to be done by a joint team consisting of revenue, forest and welfare department officials.

- b) Prior information (at least 15 days notice) needs to be given to the FRC, Gram Sabha about the field verification dates so as to encourage participation of community and the FRCs in the verification.
 - c) Field verification needs to be carried out in presence of and with active involvement of FRC members and concerned claimants including women.
 - d) The field verification should cover both individual and community claims.
 - e) During field verification claims are needed to be verified with support from extra evidences from claimants and witnesses and care should be taken to ensure that claims of vulnerable communities such a PTGs, Nomadic and Pastoralist communities are verified.
 - f) After verification and mapping the verification team should share a copy of the findings and the final map with the FRC.
4. Information issued by the Government in form of circulars/ letters concerning the processes under the Forest Rights Act should be made available in the website and in the print and electronics media at a regular interval.

We would urge the government to take necessary steps to address the concerns and issues raised in this memorandum and also consider the suggestions given above.

Yours sincerely,
Sd/-
Members of Facilitating Groups.

V. ANNEX :

1. Achievements on FRA in India as on July, 2012
2. Achievements on FRA in Odisha as on 31st August, 2012
3. Recent Press Release on FRA Implementation

1. Achievements on Implementation of FRA, 2006 and Rules, 2007 in India (As on 31st July, 2012)

Initiation of FRA Implementation

- Forest Rights Act, 2006 came into force with effect from 31st December 2007 and the Rule made under the law came into force from 1st January 2008.
- In India out of 28 States, the FRA has been implemented by only 18 States and none of the Union Territories have implemented the law.
- In the state of Tamilnadu, the FRA process has been initiated but title deeds are not distributed due to stay order of Hon^{ble} High Court.
- The process of implementation of various provisions of FRA started in the State Odisha from 1st February 2008 after constitution of SLMC, DLC and SDLC.

Claims Received (As on 31st July, 2012)

- As on 31st July 2012, in India a total of 32.28 lakhs claim received by Gram Sabha, of which 31.68 lakhs is Individual Forest Rights claim and rest 0.60 lakhs is Community Forest Rights Claim. Individual Forest Rights Claim constitutes 98.13% to total claims received by Gram Sabhas.
- A total of 5.32 lakh claims received by various Gram Sabha in Odisha, which is 16.49% to total claims received in the country.
- Odisha ranks 1st position in India in terms of number of claims received by Gram Sabhas and also amongst the 9 LWE (Left Wing Extremism) affected States.
- While Odisha occupies top position in receiving of claims under INDIVIDUAL FOREST RIGHTS in India, it ranks 10th Position in terms of number of COMMUNITY FOREST RIGHTS claims received.

Claims Disposed off (As on 31st July, 2012)

- In India a total of 27.73 lakh claims have been disposed-off against 32.28 lakh claims received, which is 85.90% to total claims.
- The State of Chhattisgarh ranks 1st Position in terms of percentage of claims disposed-off against the number of claims received. The percentage of disposal is 99.19%.
- In Odisha, a total of 4.31 lakh claims have been disposed off as against 5.32 lakh claims. The rate of disposal is 81.07%.

Title Deeds Distributed (As on 31st July, 2012)

- In India a Total of 12.68 lakh titles have been distributed, which is 39.29% to Total number of claims received by Gram Sabhas. Similarly in case of LWE States, a total of 10.12 lakh titles have been distributed against 27.49 lakh of claims received, which is 41.64% to total claims
- In Odisha, a total of 3.01 lakh titles distributed against 5.32 lakhs claims received, which is 56.57% to total number of claims.
- The State of Odisha occupies **TOP POSITION** amongst the States in India (Including LWE States) in terms of distribution of number of Title Deeds.
- Odisha occupies **2nd Position** in terms of percentage of distribution of title deeds against the number of claims received by Gram Sabhas (Tripura Ranks 1st Position=66.49%).
- Odisha ranks **1ST Position** and **4th Position** in terms of number of title distributed UNDER INDIVIDUAL FOREST RIGHTS and UNDER COMMUNITY FOREST RIGHTS, respectively.

Claims Rejected (As on 31st July, 2012)

- In India a total of 15.04 lakh claims have been rejected, which is 46.61% to total number of claims received by Gram Sabhas.
- In Odisha, a total of 1.31 lakh claims have been rejected against 5.32 lakh claims received by Gram Sabhas, which is 24.78% to total claims.
- The highest number of claims has been rejected by the State of Madhya Pradesh and a single claim has not been rejected in Tamilnadu.
- While Odisha occupies **top position** in terms of **lowest percentage of rejection** against total number of claims received by Gram Sabha among the LWE States Odisha, it stands with **6th Position** in terms of rejection of claims.

2. Achievements on Implementation of FRA, 2006 and Rules, 2007 in Odisha State (As on 31st August, 2012)

Constitution of FRCs (As on 31st August, 2012)

- Nos. of FRCs constituted by Gram Sabhas; 47,389
- The SLMC, 52 SDLCs and 30 DLCs have been constituted in the Odisha.

Claims Received (As on 31st August, 2012)

- **Total nos. of claims received under FRA:** 5,36,904
- **No. of Individual Forest Rights claims received:** 5,31,549
- **No. of Community Forest Rights claims received:** 5,355

Title Deeds Distributed (As on 31st August, 2012)

- **Total nos. of Title Deeds distributed under FRA: 3,05,562 (Area- 5,48,769.91 Ac.)**
- Nos. of Individual Title Deeds distributed: 3,04,660 (Area- 4,93,378.00 Ac.)
- Nos. of Community Title Deeds distributed: 902 (Area- 55,391.91 Ac.)
- **Total nos. of (PTG) Title Deeds distributed: 17,270 (Area- 41,771.22 Ac.)**
- Nos. of (PTG) Individual Title Deeds distributed: 17,229 (Area- 26,650.22 Ac.)
- Nos. of (PTG) Community Title Deeds distributed: 41 (Area- 15,121.00 Ac.)

Convergence of FRA Land with other Schemes (As on 31st August, 2012)

- As many as 1, 14,397 beneficiaries (STs and Other Forest Dwellers) have been covered under different schemes, the break up of which is given in the following Table.

Scheme	No. of Ben.	Scheme	No. of Ben.
IAY	43,737	National Bamboo Mission	28
MO Kudia	2,931	National Hort. Mission	5022
MO Pokhari	4,810	Land Development (MGNREGS)	36,152
Others	21,717	All Schemes	1,14,397

3. Recent Press Release on FRA Implementation

**Press Information Bureau
Government of India
Ministry of Tribal Affairs**

31-August-2012 16:06 IST

Forest Rights Committee

The Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 does not contain any provision for constitution of Forest Rights Committee by the State Governments. The Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2008, notified by the Ministry of Tribal Affairs on 1.1.2008 for implementing the provisions of the Act, however, provide for constitution of Forest Rights Committee by the Gram Sabha for assisting it 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 the Rules;
- (v) present their findings on the nature and extent of the claim before the Gram Sabha for its consideration;
- (vi) acknowledge every claim received, in writing;
- (vii) prepare the claims on behalf of Gram Sabha for community forest rights in the prescribed Form.

The Rules also provide that 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 institution, 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;

- (e) prepare a map delineating the area of each claim indicating recognizable landmarks; and
- (f) record its findings on the claim and present the same to the Gram Sabha for its consideration.

The Rules further provide that if there are conflicting claims in respect of the traditional or customary boundaries of another village or if a forest area is used by more than one Gram Sabha, the Forest Rights Committees of the respective Gram Sabhas shall meet jointly to consider the nature of enjoyment of such claim and submit the findings to the respective Gram Sabha in writing.

**Press Information Bureau
Government of India
Ministry of Environment and Forests**

27-August-2012 15:46 IST

Diversion of Forest Land

The Centre for Science and Environment has done a study on environment and forest clearance. The said study has analyzed forest diversion for development projects including mining. As per the report of the said study released in September 2011, Central Government accorded approvals under the Forest (Conservation) Act, 1980 for diversion of 1,48,860 Ha of forest land for mining purpose since enactment of the Forest (Conservation) Act, 1980.

Control of illegal mining and deforestation is mainly the responsibility of the concerned State/Union Territory Governments. Ministry of Environment and Forests however provides financial assistance under various Central Sector and Centrally Sponsored Schemes to strengthen and upgrade the State Forest Department to prevent illegal mining and deforestation activities in forest areas.

To mitigate impacts on flora and fauna, Central Government while according approvals under the Forest (Conservation) Act, 1980 for diversion of forest land for mining stipulates appropriate conditions. Important among these conditions are transfer and mutation of equivalent non-forest land in favour of State Forest Department (SFD) for creation of compensatory afforestation from the funds to be provided by the user agency; notification of such non-forest land transferred in favour of the SFD as Reserved Forest/Protected Forest; realization of Net Present Value(NPV) of the diverted forest land from the user agency for execution of various activities for conservation, protection and management of forest and wildlife and realization of funds from the user agencies for preparation and execution of appropriate plans for conservation and development of wildlife in and around the forest land diverted for non-forest purposes.

The above information was given by the Minister of State (Independent Charge) for Environment and Forests, Shrimati Jayanthi Natarajan to the Parliament today. MC/sk

**Press Information Bureau
Government of India
Ministry of Tribal Affairs**

24-August-2012 16:52 IST

Rights for Forest Dwellers

The Ministry of Tribal Affairs enacted the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 with the objective of remedying the historical injustice done to the forest dwelling Scheduled Tribes and other traditional forest dwellers. The Act has substantially met this mandate through distribution of 12, 68,766 titles to the eligible claimants under the Act till 31st July, 2012. However, the number of community rights recognized remains low and the rate of rejection of claims is more than fifty percent.

Complaints have been received over a period of time concerning denial of rights and eviction of tribals from forest etc. These complaints have been sent to respective States/UTs for taking necessary action as the implementation of this Act lies with the States/UTs.

Several factors have come to the notice of the Ministry that are impeding the implementation of the Act in its letter and spirit and constraining the flow of intended benefits of this watershed legislation to the eligible forest dwellers. The recognition of community rights such as rights to minor forest produce, grazing areas, water bodies, habitats of Particularly Vulnerable Tribal Groups, pastoralists' routes remains very low. The rate of rejection of claims is also high.

The Ministry accordingly undertook an exercise to arrive at certain provisions/ steps for facilitating robust implementation of the Act. Pursuant to the said exercise, the Ministry has issued guidelines to the State Governments/ Union Territory Administrations on 12.7.2012 for improved implementation of the Act. These guidelines pertain to process of recognition of rights, evidence requirements, rights to minor forest produce, community rights, community forest resource rights, protection against eviction, diversion of forest lands and forced relocation, awareness raising, monitoring and grievance redressal.

To facilitate efficacious translation of objectives of the Act, the Ministry has initiated the process of amendments in the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2008. The draft Rules titled "The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012 has been published in the Gazette of India, Extraordinary, Part II - Section 3 - Sub-section (i), dated 19.7.2012 for inviting objections and suggestions within one month of its publication from all the persons likely to be affected thereby. The proposed amendments to the Rules relate to laying down a procedure for identification of hamlets or settlements and process of their consolidation, increasing the mandatory Scheduled Tribe membership of Forest Rights Committees from the present one-third to two-third, reducing the present requirement of quorum of two-third in the gram sabha meetings to one-half, clarifying that the term 'bona fide livelihood needs' includes fulfillment of livelihood needs of self and family, including the sale of surplus produce arising out of exercise of rights, allowing transportation of minor forest produce within and outside forest area through locally appropriate means of transport by gatherers or their cooperatives or associations or federations laying down the process for recognition of rights, including community rights, insertion of new Claim Forms for Rights to Community Forest Resource and Title Form for Community Forest Resources etc.

The guidelines issued by the Ministry on 12.7.2012 and the proposed amendments to the Rules, when notified, would lead to better implementation of the Act at the ground level. At present, there is no proposal to amend the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.

This information was given by the Minister of State for Tribal Affairs, Shri Mahadeo Singh Khandela in a written reply in the Lok Sabha today.

**Press Information Bureau
Government of India
Ministry of Tribal Affairs**

10-May-2012 17:02 IST

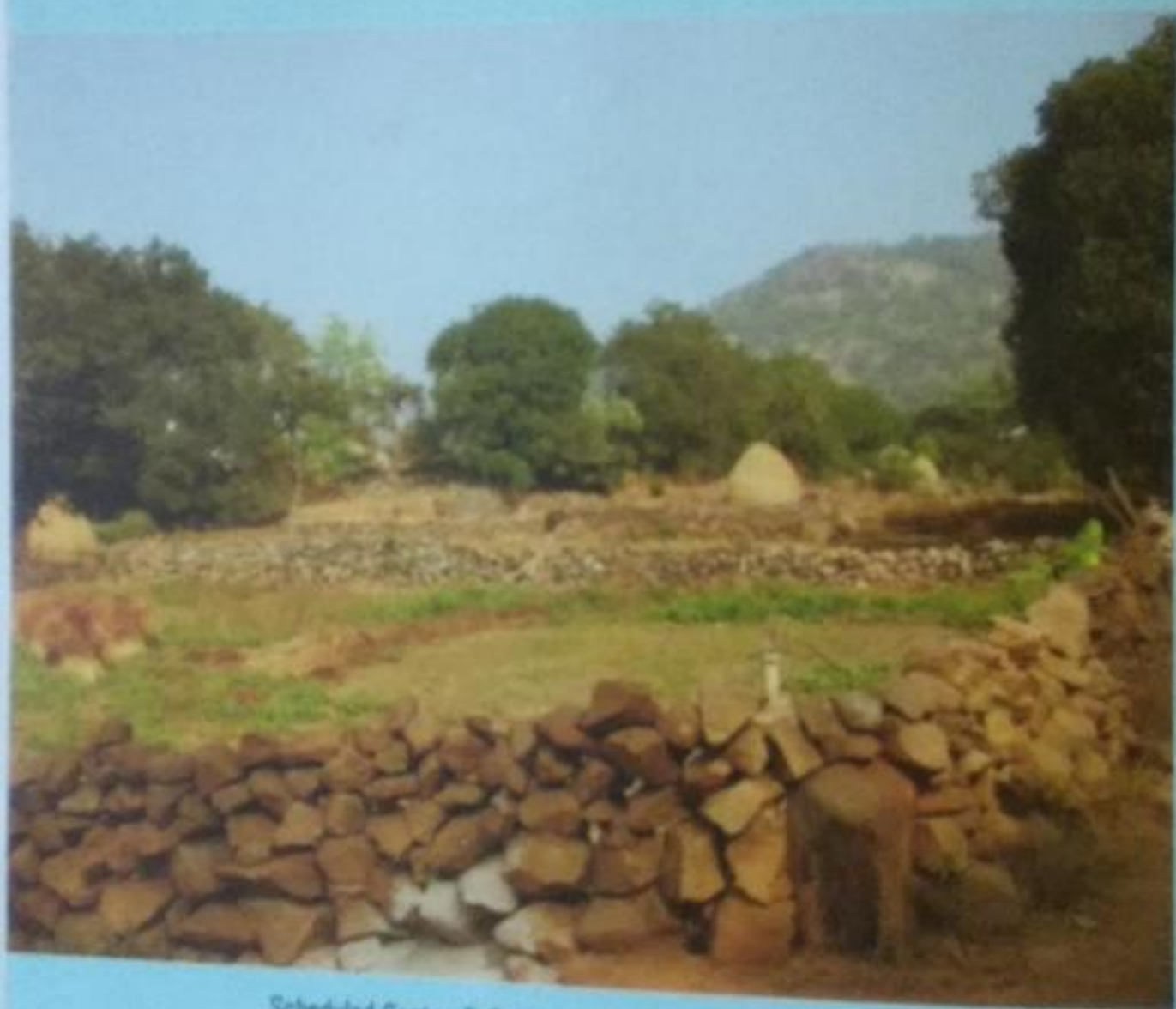
Collective Upliftment of Tribals

The Ministry of Tribal Affairs is implementing various Central Sector/Centrally Sponsored Schemes/Programmers for the socio-economic development of tribal people in the country. The schemes/programs are meant for the welfare of all the tribal people, including those living in the forest areas of the country. In addition, the Ministry is also implementing the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 to recognize and vest the forest rights and occupation in forest land in forest dwelling Scheduled Tribes and other traditional forest dwellers who have residing in such forest for generation but whose rights could not be recorded to ensure (a) tenurial security, providing them relief against the physical and psychological alienation from land belong to them; (b) livelihood, in terms of agriculture and ownership of minor forest produce, including right of access to collect, use and dispose of the same and (c) traditional and customary rights. The Ministry has also asked State Governments/UT Administrations to plan convergence of existing welfare and development initiative for the title holders in the forest lands under the Forest Rights Act 2006 for their overall socio-economic development.

Upliftment of tribal [people living in the forests, with the aim of bringing such tribal people in the mainstream of the country, through implementation of various schemes/programs of the Ministry, is an on-going process. Government is continuously making efforts to bring the tribals in the mainstream through implementation of various schemes/programs of this Ministry.

This information was given by the Minister of State for Tribal Affairs Shri Mahadeo Singh Khandela in a written reply in the Rajya Sabha today.

PKM/BS



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