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GOVERNMENT OF ODISHA
ST & SC DEVELOPEMNT DEPARTMENT

No. 10740 / SSD, Dt. 16th June, 2016
STSCD-FRA-MEET-0003-2015

From,

Sri Surendra Kumar, IAS.
Commissioner-cum-Secy. to Govt.

To,

All Collectors-cum-Chairperson of DLCs on FRA.

Sub: Review of rejected claims under FRA and its disposal by treating those as *Suo-moto* appeals at the level of SDLCs and DLCs.

Ref: This Department's Memo No.15506/SSD dt.03.08.2015.

Madam/ Sir,

The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 and FRA Amendment Rules, 2012 requires the statutory authorities to record reasons for both rejection and modification of claims and to communicate the same to the concerned claimants to enable them to file appeal against the decisions. Review of rejected claims was discussed in the 8th SLMC meeting on implementation of FRA held on 21.07.2015 under the Chairmanship of the Chief Secretary, Odisha and it was resolved that the process enumerated under Amended Rules, 2012 needs to be completed in a time bound manner and the action plan for reviewing the rejected claims within a definite time line was suggested.

In the meantime, ten months have passed and it is observed that the review of rejected claims is still pending at various levels, which is indeed a matter of great concern. Status of review of rejected claims as on 31.05.2016 has been worked out on the basis of reports received from the districts and the same is annexed herein as **Annexure-I** for your ready reference. The key provisions under Forest Rights Amended Rules, 2012 to deal with rejection and modification of claims have also been summarized and annexed herein as **Annexure-II**, which can also be referred to for instant & better appraisal of the related law.

A Video-Conference was jointly taken-up by the Ministry of Tribal Affairs and Ministry of Home Affairs, Govt. of India on 26.05.2016, wherein this matter was discussed in detail. The Secretary, National Commission for Scheduled Tribes (NCST) while reviewing the implementation of FRA in the State Secretariat on 25.05.2016 has advised the authorities concerned to complete the review of the rejected claims and ensure its disposal by the end of September, 2016.

P.T.O.

Thus, there is an urgent need for proactive facilitation of the appeal process for which it is suggested that **the rejected / modified claims be suo-moto treated as petitions for hearing and disposal**. The reasons of rejection or modification shall be communicated to the concerned claimants/ gram-sabhas immediately, if not done yet, and the DLCs/ SDLCs may fix venues and timings for hearings of the claimants' appeals against rejection / modification and take appropriate decisions to dispose of the same.

It would be appreciated if the DLCs/ SDLCs concerned forms an appropriate mechanism for hearing of those appeals by fixing a particular day in the week for hearing the appeals to ensure timely action on the matter.

You are, therefore requested to look into the matter on priority and initiate needful action in the matter so that the rejected FR claims are disposed of as per the procedure laid down in the FR Act and Rules.

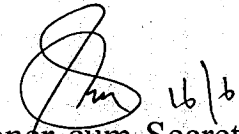
This may please be accorded Top-Priority.

Yours faithfully,


Commissioner-cum-Secretary

Memo No. 10741 / SSD Dt. 16.6.2016

Copy along with copy of the enclosure sent to all R.D.C.s / All Nodal Officers on FRA for information and necessary action.


Commissioner-cum-Secretary
Memo No. 10742 / SSD Dt. 16.6.2016

Copy along with copy of the enclosure sent to the Revenue & DM Department, Odisha / Forest & Env. Department, Odisha / Panchayati Raj Department, Odisha for information and necessary action.


Commissioner-cum-Secretary

Annexure-I**Detail information on Rejection of Individual claims on FRA**

Sl. No	Name of the District	IFR claims rejected				No. of Rejected Claims intimated to the claimants	No. of Rejected Claims Pending for intimation	No. of appeals filed	No. of appeals disposed of	
		GS	SDLC	DLC	Total					
1	2	3	4	5	6	7	8	9	10	
1	Balasore	1810	0	0	1810	0	1810	0	0	
2	Bhadrak	0	0	0	0	0	0	0	0	
3	Cuttack	2833	889	0	3722	0	3722	0	0	
4	Jagatsinghpur	1	1	0	2	0	2	0	0	
5	Jajpur	4320	10	0	4330	4330	0	0	0	
6	Kendrapara	1	2923	0	2924	0	2924	0	0	
7	Khurda	1275	0	0	1275	1275	0	0	0	
8	Mayurbhanj	9159	4550	0	13709	0	13709	225	225	
9	Nayagarh	0	104	65	169	0	169	0	0	
10	Puri	0	1169	0	1169	747	422	0	0	
	TOTAL CZ	19399	9646	65	29110	6352	22758	225	225	
1	Angul	1035	3969	629	5633	3	5630	0	0	
2	Bargarh	482	1214	0	1696	0	1696	0	0	
3	Bolangir	2633	2590	2	5225	5115	110	0	0	
4	Deogarh	0	5807	0	5807	0	5807	Not submitted		
5	Dhenkanal	0	5078	0	5078	0	5078	0	0	
6	Jharsuguda	0	6604	0	6604	0	6604	0	0	
7	Keonjhar	12462	2835	0	15297	10056	5241	0	0	
8	Sambalpur	9922	6104	0	16026	16026	0	0	0	
9	Subarnapur	0	1166	5	1171	0	1171	0	0	
10	Sundargarh	10740	6909	674	18323	0	18323	2	0	
	TOTAL NZ	37274	42276	1310	80860	31200	49660	2	0	
1	Boudh	0	1465	120	1585	1155	430	0	0	
2	Gajapati	16585	0	0	16585	0	16585	0	9	
3	Ganjam	3530	2773	0	6303	2364	3939	76	0	
4	Kalahandi	0	655	3	658	658	0	0	0	
5	Kandhamal	1921	507	9	2437	0	2437	0	0	
6	Koraput	2498	452	0	2950	2950	0	0	0	
7	Malkangiri	971	1584	482	3037	832	2205	0	0	
8	Nawapara	11215	1000	0	12215	1000	11215	0	0	
9	Nawarangpur	0	174	0	174	0	174	Not submitted		
10	Rayagada	0	0	0	0	0	0	0	0	
	TOTAL SZ	36720	8610	614	45944	8959	36985	76	0	
	ODISHA	93393	60532	1989	155914	46511	109403	303	225	

Key Provisions under Amendment Rules, 2012 to deal with rejection and modification of claims:

Rule 12A (3) provides that in the event of modification or rejection of a claim by the Gram Sabha or a recommendation for modification or rejection of a claim forwarded by the Sub-Divisional Level Committee (SDLC) to the District Level Committee (DLC), such decision or recommendation on the claims *shall be communicated in person to the claimant to enable him to prefer a petition at the concerned level.*

Rule 12 A (6) provides that the SDLC or DLC shall remand the claim to the Gram Sabha (GS) for reconsideration instead of modifying or rejecting the same in case the resolution or the recommendation of the Gram Sabha is found to be incomplete or prima-facie requires additional examination.

Rule 12 A (7) provides that in case where the resolution passed by the GS with supporting documents and evidence is upheld by the SDLC with or without modification but the same is not approved by the DLC, the DLC shall record detailed reasons for its rejection and make these available to the claimants or GS.

Rule 12 A (10) states that all decisions of the SDLC and DLC that involve modification or rejection of a Gram Sabha resolution or recommendation of the SDLC shall give detailed reasons for such modification or rejection, as the case may be:

Provided that no recommendation or rejection of claims shall be merely on any technical or procedural grounds:

Provided further that no committee (except the Gram Sabha or the Forest Rights Committee) at the Block or Panchayat or forest beat or range level, or any individual officer of any rank shall be empowered to receive claims or reject, modify, or decide any claim on forest rights.


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