

By FAX/E-Mail

GOVERNMENT OF ORISSA  
ST & SC DEVELOPMENT DEPARTMENT

No. 2828C /SSD., Bhubaneswar, Dated the 19.8.09  
TD-II-32/08

From

Biswajit Misra, I.A.S  
Addl. Secretary to Government.

To

All Collectors.

Sub:- **Implementation of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 and Rules framed there under.**

Sir,

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

A number of claims have been approved by Dist. Level Committee, after they are duly recommended by the SDLC & Gram Sabha. However, *Pattas* could not be distributed in the approved claims because of the stay order dated 23.7.2008 of the Hon'ble High Court, Orissa in the case of Society of Retired Forest Officers Vrs. Union Government (W.P. (C) No.4933 of 2008). The Hon'ble Court has directed not to undertake any felling of trees and not to alienate any land by issuing *Patta* or by any other manner pursuant to the provisions of the aforesaid Forest Rights Act, 2006.

However the stay order passed by the Hon'ble High Court has been vacated on 12-8-2009. The Court has observed as follows:

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

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


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

**Yours faithfully,**

  
19/8/09  
**Add. Secretary to Government.**

Memo No. 28287 / Dated. 19.08.09

Copy to all R.D.C.s for kind information and necessary action.

  
19/8/09  
**Add. Secretary to Government.**