

GOVERNMENT OF ORISSA
FOREST & ENVIRONMENT DEPARTMENT

No.10F (Cons)-2/05 **403** / F & E, Dtd, Bhubaneswar, **10.01.2006**

From:

Shri Vinod Kumar, IFS
Special Secretary to Govt.

To

The Principal Chief Conservator of Forests, Orissa.

Sub: Guidelines for diversion of forest land for non-forest purposes under the Forest (Conservation) Act, 1980 -Verification / recognition of rights of tribal and forest dwellers on forest land.

Sir,

I am directed to invite a reference to the letter No. 2-3/2004-FC dated 03.11.2005 of the Asst. Inspector General of Forests, Govt. of India, Ministry of Environment and Forests (Copy enclosed for ready reference) on the subject cited above and to say that the guidelines issued by GOI envisages formation of Village Level, Block Level and District Level committees to verify dispute claims and rights of tribals / forest dwellers by State / UT Governments.

Earlier GOI, MOEF vide their letter dated 21.12.2004 had communicated that the State Governments, as an interim measure, should not resort to eviction of tribal people and forest dwellers till their complete survey is done for the recognition of such people and their rights after setting up the District Level Committees involving a Deputy Collector, a Sub-Divisional Forest Officer and a representative of Tribal Welfare Department and the State Governments are advised to exclude such tribals / forest dwellers from the eviction drives. Simultaneously it was advised not to stop eviction of the ineligible encroachers from the forest land. Copy of the letter had been sent to you and to all the RDCs for appropriate action vide this Dept. Letter No. 2101/F&E, dated 03.02.2005.

It, may not be out the context to say that these issues had been dealt by Revenue Department vide their circular No. 21060/R, dated 04.05.2000. Basing on this, pre-1980 encroachments eligible for regularization in 17 districts has been finalized and proposals have been recommended to GOI for approval.

Subsequent to GOI's instructions communicated in their letter dated 30.10.2002, the Chief Secretary, Orissa in his DO letter No. 465 dated 09.01.2003 to all Collectors had requested to complete their proposal for pre-1980 regularization jointly with the DFOs.

State Government in ST & SC Development Department has also constituted a Sub-Divisional Level Task Force Committee vide their Resolution No. 6792/SSD dated 25.02.2004 (copy enclosed). One of the function of this committee is relating to settlement of Pre-1980 encroached forest land with STs.

Therefore, creation of various committees at short intervals for same issue would create not only confusion but misunderstanding in both officials and non-officials as well as villagers.

So the Task Force Committees at Sub-Divisional Level through the Collectors of Angul, Bolangir, Gajapati, Keonjhar, Kendrapara, Malkangiri, Mayurbhanj, Nawarangpur and Sundargarh, the districts for which complete Pre-1980 regularisation proposals has not been sent to GOI, MOEF for approval, may be requested to expedite comprehensive proposal for pre-1980 regularisation for the district, again through the respective Collectors and while doing so, they should resolve any disputed claim in accordance with Revenue Department guidelines dt.04.05.2000.

In case of the 17 districts for which proposal for regularization of eligible Pre-1980 encroachments are pending with GOI, it would be appropriate to allow the committees constituted by ST and SC Development Department Resolution dated 25.02.2004 only to undertake resolving of claims and disputes and to adopt MOEF guidelines of dated 03.11.2005 after the State Government's proposals for regularization of pre-1980 eligible cases in forests are expeditiously approved by Government of India.

Sd/-
(Vinod Kumar)
Special Secretary to Govt.

Memo No. **404/F&E**, Dtd, Bhubaneswar, **10.01.2006**

Copy with copy of the letter No.2-3/2004-FC dated 03.11.05 of GOI, MOEF is forwarded to Revenue Department/ ST & SC Development Department/ Panchayati Raj Department for information and necessary action.

Sd/-
(Vinod Kumar)
Special Secretary to Govt.

Memo No. **405/F&E**, Dtd, Bhubaneswar, **10.01.2006**

Copy with copy of the letter No.2-3/2004-FC dated 03.11.05 of GOI, MOEF is forwarded to all RDCs/ All Collectors/ All Conservator of Forests/ All Divisional Forest Officers (T&TL) for information and necessary action.

Sd/-
(Vinod Kumar)
Special Secretary to Govt.

Memo No. **406/F&E**, Dtd, Bhubaneswar, **10.01.2006**

Copy forwarded to the Asst. Inspector General of Forests, Government of India, Ministry of Environment and Forests for information with reference to his letter No.2-3/2004- FC dated 03.11.2005.

Sd/-
(Vinod Kumar)
Special Secretary to Govt.