

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

No. 5464 /SSD., Dated Bhubaneswar the, 13th March, 2019
STSCD-FRA-CASE-1-2016

From :

Shri R. Raghu Prasad, IFS,
Commissioner-cum-Secretary to Govt.

To

All Collectors.

Sub: Review of rejected claims (Individual) under Forest Rights Act; Compliance to the orders of the Hon'ble Supreme Court of India dtd. 13.02.2019 and 28.02.2019 in Writ Petition (C) No. 109/ 2008 – (copies of the extract orders enclosed).

Ref: Ref: This Department letter No. 10740/SSD dt.16.06.2016, No.10535/ SSD dated 05.06.2017, Memo No. 5644/SSD dated 16.03.2017, no.14010/SSD dated -4.08.2017 and letter no.15179/SSD dated 23.08.2017

Madam / Sir,

In inviting a reference to the subject cited above, I am to say that detailed instructions were issued earlier vide letters referred above for taking up *Suo-motu* appeals and review of all rejected claims (Individual) under the Forest Rights Act. Accordingly many districts are undertaking reviews of the rejected claims by at the appellate levels, i.e at the Sub-Divisional Committee (SDLC) chaired by the Sub-Collector and the District Level Committee (DLC) chaired by the Collector. Currently around 1.45 lakhs rejected FRA claims are to be reviewed by the SDLCs and DLCs. The detail district wise rejected claims are shown at **Annexure-I**.

Hon'ble Supreme Court of India vide order dated 13th February 2019 in WP (C) bearing No. 109 of 2008 & IA No. 35782/2019 (Wildlife First & Others Vrs Union Of India & Others) have ordered that the review of rejected claims in Odisha will have to be completed within 4 months and thereafter State Government will have file an affidavit before the Hon'ble Court on the steps and procedures taken in this regards, by 12th July 2019. The matter was again heard by the Hon'ble Supreme Court on 28th Feb 2019 and have kept the evictions of the applicants whose claims have been rejected, on hold.

In this regards, you are requested to immediately draw up an Action Plan and ensure that all rejected claims shall be reviewed and the detailed compliance report be submitted to this Department by 30th June 2019, positively.

The activities to be undertaken for review of rejected FRA claims was earlier communicated in detail vide letter no. 10740/SSD dated 16.06.2016. (copy enclosed at **Annexure-II**). The actions to be undertaken are again reiterated as follows:

- All rejected claims shall be treated as *Suo-motu* appeals and should be reviewed both at the SDLC and DLC levels.



- The reasons of rejection shall be communicated to the concerned claimants and Gram Sabha as per provisions of the FRA Act and Rules.
- The SDLC and DLC shall fix venues and timing for hearing of the claimants' appeals.
- The SDLC and DLC shall communicate to the claimants the date, venue and timing of the appeal hearings, well in advance. Accordingly a detailed time table for appeal hearings at the SDLC and DLC shall be chalked out.

You are requested to look into the matter on priority and ensure that the SDLC and DLC reviews each rejected claim, by giving ample scope to the applicant for being heard, as per the provisions of the Forest Rights Act and Rules. **IT IS AGAIN REITERATED THAT THE REVIEW PROCESS SHOULD BE COMPLETED AND COMPLIANCE SUBMITTED TO THIS DEPARTMENT BY 30TH JUNE 2019, POSITIVELY, SO THAT THE MATTER CAN BE FILED BEFORE THE HON'BLE SUPREME COURT.**

Yours faithfully,

[Handwritten Signature]
13/3/2019

Commissioner-cum-Secretary to Govt.

Memo No. 5465 .SSD dated 13.3.19

Copy along with enclosures forwarded to the Additional Chief Secretary, Forest & Environment Department/ Principal Secretary to Govt. Revenue & DM Department / Principal Secretary to Govt. PR & DW Department/ Principal Chief Conservator of Forests and HoFF for information and necessary action.

[Handwritten Signature]
13/03/2019

Additional Secretary to Govt.

Memo No. 5466 .SSD dated 13.3.19

Copy along with enclosures forwarded OSD to Chief Secretary, Odisha for kind information of Chief Secretary, Odisha.

[Handwritten Signature]
13/03/2019

Additional Secretary to Govt.

Memo No. 5467 .SSD dated 13.3.19

Copy along with enclosures forwarded to all RDCs for information and necessary action.

[Handwritten Signature]
13/03/2019

Additional Secretary to Govt.

Memo No. 5468 .SSD dated 13.3.19

Copy along with enclosures forwarded to all DWOs, PA, ITDAs for information and necessary action.

[Handwritten Signature]
13/03/2019

Additional Secretary to Govt.

Statement indicating District-wise rejection of IFR claims

Sl. No.	District	Individual Claims received	Claims approved by DLC	Claims Rejected	REJECTED BY		
					Grama Sabha	SDLC	DLC
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
1	Balasore	4812	3002	1810	1810	0	0
2	Bhadrak	204	175	0	0	0	0
3	Cuttack	5923	1837	3583	2888	695	0
4	JSpur	49	47	2	1	1	0
5	Jajpur	10464	5165	4330	4320	10	0
6	Kendrapara	4055	315	3740	812	2928	0
7	Khurda	3629	985	1180	1180	0	0
8	Mayurbhanj	69023	52318	8799	5227	3572	0
9	Nayagarh	4302	3868	145	0	104	41
10	Puri	1169	0	1169	0	1169	0
	TOTAL CZ	103630	67712	24758	16238	8479	41
1	Angul	8360	2727	5633	1035	3969	629
2	Bargarh	3314	1097	1698	482	1214	2
3	Bolangir	8823	2473	5225	2633	2590	2
4	Deogarh	13919	7371	5807	352	5455	0
5	Dhenkanal	12600	8201	1504	333	1171	0
6	Jharsuguda	9204	2599	6604	0	6604	0
7	Keonjhar	73736	58439	15297	12462	2835	0
8	Sambalpur	34199	14219	15556	9927	5629	0
9	Subarnapur	1576	396	1171	0	1166	5
10	Sundargarh	40311	21961	16864	10740	5165	959
	TOTAL NZ	206042	119483	75359	37964	35798	1597
1	Boudh	3499	1914	1585	0	1465	120
2	Gajapati	51723	35138	16585	16585	0	0
3	Ganjam	12957	5751	6303	3530	2773	0
4	Kalahandi	11758	10934	658	0	655	3
5	Kandhamal	60346	57818	2437	1921	507	9
6	Koraput	35595	29102	2587	2135	452	0
7	Malkangiri	39349	35856	3037	971	1584	482
8	Nawapara	23257	7132	12215	11215	1000	0
9	Nawarangpur	39212	39212	0	0	0	0
10	Rayagada	25325	25325	0	0	0	0
	TOTAL SZ	303021	248182	45407	36357	8436	614
	ODISHA	612693	435377	145524	90559	52713	2252

Annexure - II

By Fax & Speed-Post

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.

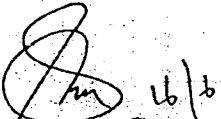
This may please be accorded Top-Priority.

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.

Memo No. 10742 / SSD Dt. 16.6.2016

Commissioner-cum-Secretary

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-1

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.


16/6

Extract of Order dated 13.02.2019 of the Hon'ble Supreme Court of India

ITEMS NO.101

COURT NO.4

SECTION PIL-W

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Writ Petition(s) (Civil) No(s). 109/2008

WILDLIFE FIRST & ORS.

Petitioner(s)

VERSUS

MINISTRY OF FOREST AND ENVIRONMENT & ORS

Respondent(s)

(IA 5/2014, 1/2008, 6/2014, 2/2008, 7/2015, 69409/2018, 75108/2018,
75127/2018, 88926/2018)

WITH

T.C. (C) No.3/2016 (XVI-A)

W.P.(C) No.50/2008 (PIL-W)

(IA 1/2008 FOR EXEMPTION FROM FILING O.T. ON IA 53871/2018 FOR [I/A
FOR WAIVER OF COSTS FILED BY THE STATE OF KERALA] ON IA 61560/2018
FOR EXEMPTION FROM FILING O.T. ON 68563/2018)

The affidavit filed by the State of Odisha indicates that 5,73,867 claims have been filed by STs and 31,687 claims have been filed by OTFDs. Out of the above, 122,250 claims of STs and 26,620 claims of OTFDs have been rejected. It is stated that the rejected claims are being reviewed. Let the review process be completed within four months. Let the Chief Secretary to the State of Odisha indicate, by way of an affidavit, as to why after the rejection of the claims, which have attained finality, eviction has not been made.

The Chief Secretary shall ensure that where the rejection orders have been passed, eviction will be carried out on or before the next date of hearing. In case the eviction is not carried out, as aforesaid, the matter would be viewed seriously by this Court.

ITEM NO.3

COURT NO.5

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition(s)(Civil) No(s). 109/2008

WILDLIFE FIRST & ORS.

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

IA NO.35782/2019- APPLN. FOR MODIFICATION

Date : 28-02-2019 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ARUN MISHRA
HON'BLE MR. JUSTICE NAVIN SINHA
HON'BLE MR. JUSTICE M.R. SHAH

Counsel for the parties:

Mr. Tushar Mehta, SG
Ms. Hemantika Wahi, AOR
Ms. Jesal Wahi, Adv.
Ms. Vishakha, Adv.

Mr. Tushar Mehta, SG
Mr. Saurabh Mishra, Adv.
Mr. Raj Bahadur, Adv.
For Mrs. Anil Katiyar, AOR

Mr. Tushar Mehta, SG
Mr. Shailendra Swarup, Adv.
Ms. Bindu Saxena, Adv.
Ms. Aparajita Swarup, Adv.

Mr. A.N.S. Nadkarni, ASG
Mr. Arjun Vinod Bobde, Adv.
Ms. Richa Relhan, Adv.
Mr. Santosh Rebello, Adv.

Dr. Abhishek Manu Singhvi, Sr. Adv.
Mr. Shyam Divan, Sr. Adv.
Mr. Sameer Parekh, Adv.
Mr. Lalit Chauhan, Adv.
Ms. S. Lakshmi Iyer, Adv.
Ms. Aishwarya Dash, Adv.
Ms. Anwesha Padhi, Adv.
Mr. Sarthak Gaur, Adv.
Mr. Ketan Dave, Adv.
Mr. Rishit Badiani, Adv.

M/s. Parekh & co.

Mr. R.K.Raizada, Sr:Adv.
Mr. Kamlendra Mishra, AOR

Mr. Vivek Tankha, Sr.Adv.
Mr. Devadatt Kamat, Adv.
Mr. Nishanth Patil, AOR

Mr. Kapil Sibal, Sr.Adv.
Mr. Vivek K.Tankha, Sr.Adv.
Mr. Harsh Parashar, AOR
Mr. Prashant, Adv.
Mr. Amar Pandey, Adv.

Dr. Manish Singhvi, AAG
Mr. Satyendra Kumar, Adv.
Mr. Shailja Nanda Mishra, Adv.
Mr. Milind Kumar, AOR

Mr. Sumeer Sodhi, AOR
Mr. Ashish Tiwari, Adv.
Mr. Surya Kamal Mishra, Adv.
Mr. Tushar Kumar, Adv.

Mr. Anmol Chandan, Adv.
For Mr. Gurmeet Singh Makker, AOR

Mr. A.Mariarputham, Adv.Gen.
Ms. Aruna Mathur, Adv.
Mr. Avneesh Arputham, Adv.
Ms. Anuradha Arputham, Adv.
Ms. Geetanjali, Adv.
For M/s. Arputham Aruna & Co.

Ms. Aankhi Ghosh, Adv.
Mr. Sriram Srinivasan, Adv.
Mr. Sarthak Bhatia, Adv.
Mr. Siddharth Nanda, Adv.
Mr. Rajat Joseph, AOR
Mr. Ranjan Mukherjee, Adv.
Mr. Deniel Steve Lyngdoh, Adv.

Mr. M.Shoeb Alam, AOR
Mr. Ujjwal Singh, Adv.
Mr. Gautam Prabhakar, Adv.
Mr. Mojahid Karim Khan, Adv.

Ms. Monika Tripathi Pandey, Adv.
Mr. Ashutosh Kaushik, Adv.
Mr. Brahm Kumar Pandey, Adv.

Mr. Nishe Rajen Shonker, AOR

Mr. Anu K.Joy, Adv.
Mr. Alim Anvar, Adv.
Mr. Reegan S.Bel, Adv.

Ms. Nitya Ramakrishnan, Adv.
Mr. Trideep Pais, Adv.
Ms. Tusharika Mattoo, Adv.
Ms. Sanya Kumar, Adv.

Mr. Vikas Kr.Sharma, Adv.
Mr. Nischal Kr.Neeraj, AOR

Mr. Leishangthem Roshmani Kh., AOR
Miss Maibam Babina, Adv.
Miss Anupama Ngangom, Adv.

Mr. Guntur Prabhakar, AOR
Ms. Prerna Singh, Adv.
Mr. Prashant Mathur, Adv.

Mr. Anil K.Jha, AOR

Mr. Shuvodeep Roy, AOR
Mr. Rijuk Sarkar, Adv.

Mr. P.Venkat Reddy, Adv.
Mr. Prashant Tyagi, Adv.
For M/s. Venkat Palwai Law Assn.

Mr. Suhaan Mukerji, Adv.
Ms. Astha Sharma, Adv.
Mr. Amit Verma, Adv.
Mr. Abhishek Manchanda, Adv.
Ms. Dimple Nagpal, Adv.
For M/s. PLR Chambers & Co., AOR

Mr. Debojit Borkakati, AOR
Mr. Vivek Sonkar, Adv.

Mr. Vikas Mahajan, AAG
Mr. Vinod Sharma, AOR
Mr. Anil Kumar, Adv.
Mr. Aakash Varma, Adv.

Mr. Joseph Aristotle S., AOR
Ms. Priya Aristotle, Adv.
Mr. Shiva P., Adv.

Mr. Pawan Upadhyay, Adv.
Mr. Sarvjit Pratap Singh, Adv.
Ms. Sharmila Upadhyay, AOR

Mr. V.G.Pragasam, AOR

Mr. S.Prabu Ramasubramanian, Adv.
Mr. S.Manuraj, Adv.

Ms. K.Enatoli Sema, AOR
Mr. Amit Kumar Singh, Adv.

Mr. M.Yogesh Kanna, AOR
Mr. S.Partha Sarathi, Adv.
Mr. S.Raja Rajeshwaran, Adv.

Ms. Madhvi Kumar Sawnt, Adv.
Mr. Hitesh Kumar Sharma, Adv.
Ms. Meetali Goyal, Adv.
For Mr. A.K.Shrivastava, AOR

Mr. Mrinal K.Nandlal, Adv.
Mr. K.V.Jagdishvaran, Adv.
Ms. G.Indira, AOR

Mr. Devashish Bharuka, AOR
Mr. Ravi Bharuka, Adv.
Ms. Sarvshree, Adv.
Mr. Justine George, Adv.
Mr. Aditya Singala, Adv.

Mr. P. K. Manohar, AOR

Mr. Jayant Mohan, AOR

Mr. Anil Shrivastav, AOR

Mr. Sanjay Kumar Visen, AOR

Mr. Neeraj Kumar Sharma, AOR

Mr. Gopal Singh, AOR

Mr. Dharmendra Kumar Sinha, AOR

Mr. P. V. Yogeswaran, AOR

Mr. Nikhil Nayyar, AOR

Mr. Ravi Prakash Mehrotra, AOR

Mr. Kuldip Singh, AOR

Mrs. Rachna Gupta, AOR

UPON hearing the counsel the Court made the following
O R D E R
We have heard Mr. Tushar Mehta, learned Solicitor General,

Mr. A.N.S. Nadkarni, learned Additional Solicitor General, Mr. Kapil Sibal, learned Senior Counsel, Dr. Abhishek Manu Singhvi, learned Senior Counsel, Mr. Shyam Divan, learned Senior counsel, Mr. Vivek Tankha, learned Senior Counsel and Mr. R.K. Raizada, learned Senior counsel appearing for the parties at some length.

It was pointed out that the State Governments have filed their data including how many claims have been rejected and the eviction orders that have been passed but they have not stated the procedure adopted for rejection orders/claims of the Tribals. It has not been placed on record as to who has rejected the claims and under which provision of law the eviction has to be made and who is the competent authority to pass such orders.

It was also submitted that in most of the matters Tribals have not been served with the orders of rejection orders of their claims and it is also not clear whether the three tier Monitoring Committee constituted under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 and the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2008 have supervised all these aspects.

Let the State Government also clarify what is the process to be followed for eviction after rejection orders have been passed.

In the facts and circumstances of the case, we direct the Chief Secretaries of various State Governments to file detailed affidavits covering all the aforesaid aspects and also place on record the rejection orders and the details of the procedure followed for settlement of claims and what are the main ground on

which the claims have been rejected. It may also be stated that whether the Tribals were given opportunity to adduce evidence and, if yes, to what extent and whether reasoned orders have been passed regarding rejection of the claims.

It was submitted that at the present juncture there is likelihood of traditional Tribals being affected whose claims have been rejected. At the same time the question which is also of significance and which cannot be ignored and overlooked is that in the guise of and Other Traditional Forest Dwellers (OTFDs), the land is not occupied by mighty people, industrialists and other persons who are not belonging to the aforesaid category. Let the State Governments also point out the category wise details of such incumbents who have been occupying these areas belonging to Scheduled Tribe category and OTFD category and such persons who cannot be treated as Tribals. Let details be furnished in their affidavits to be filed by the Chief Secretaries. However, till we examine all aforesaid aspects, we keep our order dated 13.02.2019 on hold so far as eviction is concerned.

Let what kind of orders have been passed be placed on record. It was pointed out by Mr. Shyam Divan, learned Senior Counsel that the State Governments, subject to the decision of this Court on various aspects, should also place on record the course of action with respect to the claims which have not been found to be genuine, what they are going to ultimately undertake and the time frame.

In the meantime, the Forest Survey of India has to make a satellite survey and place on record the encroachment positions as far as possible in this Court before the next date of hearing as

directed in order dated 13.02.2019. Mr. Tushar Mehta, learned Solicitor General has undertaken to inform the Forest Survey of India to complete the Satellite survey.

List on 24.07.2019.

(ASHA SUNDRIYAL)
COURT MASTER

(JAGDISH CHANDER)
BRANCH OFFICER