

ଅଜିତ କୁମାର ତ୍ରିପାଠୀ
Ajit Kumar Tripathy, IAS

Chief Secretary & Chief Development Commissioner
Government of Orissa, Bhubaneswar

No. 6061 /SSD,
TD-II-51/08

Dated 4/2/09

TOP PRIORITY

To

All Collectors

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

Ref: My demi official letter No.36829/CS Dt.20.10.2008.

Sir/Madam,

I find that after the meetings held in January under the Chairmanship of Revenue Divisional Commissioners, there has been some improvement in progress of implementation of the Act. However, I would like to draw your attention to the following points:

1. The Act is meant not merely for recognizing individual rights over the forest land but also community rights. Various kinds of the rights guaranteed under the Act are listed in Section 3(1). The reports received indicate the need to do more work in receiving as well as processing the community claims.
2. The decision-making authorities under the Act are clearly spelt out. **They are the Gram Sabha/Palli Sabha, Sub-Divisional Level Committee and the District Level Committee.** It must be noted that the role of the officials is to render proper and timely assistance to these committees and to ensure custody of the records. No individual officer has been given the powers under the Act to overrule or object to the decisions of the appropriate authority, other than filing appeal to the next higher authority as prescribed.
3. Care needs to be taken that all records are properly maintained. A copy of the proceedings of the Gram Sabha/Palli Sabha must be available with the concerned Secretary of the Gram Panchayat. Similarly the agenda notes as well as the proceedings of the SDLC must be available in proper order, with the Sub-Collector. The agenda notes and proceedings of the DLC must be available in the office of the Collector. Apart from this, the extract of the relevant portions of the agenda notes and proceedings of the SDLC or DLC of a particular

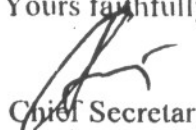
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village must be made available to the concerned Gram Sabha/Palli Sabha through the concerned GP Secretary, so that the right to appeal as envisaged in the Act can be ensured. You are requested to draw attention of all concerned officials to Section 7 of the Act, which provides for penalty in case of contravention.

4. It may be noted that the Act does not expressly provide for verification of claims as a matter of routine by officials, after the Gram Sabha has passed resolution on forest rights as per Section 4(1)(c). If SDLC or DLC requires any particular claim to be verified, the same must be attended to on top priority by the concerned officials of Revenue, or Forest or STSC Development Department. It may be ensured that such joint visits take place with due intimation to the concerned FRCs so that conclusions are drawn for each village and necessary reports are furnished to the SDLC or DLC. Care must be taken to see that indefinitely long time is not taken for this field verification.
5. List of forest habitations identified by the 2001 Census was already made available to you. As per Section 2(p) of the Act, even forest habitations which are technically not part of any Gram Panchayat can also constitute their FRCs and take up steps under the Act. This aspect needs to be communicated properly to all concerned and should be monitored closely.
6. As per Rule 11(5), the Palli Sabha has to meet whenever FRC presents their findings to it. Therefore, there is no need to wait for any Government decision on the date of Palli Sabha meetings. The ward members and the Sarpanches have to be impressed upon the need to hold Palli Sabha meetings as and when required.
7. As two-third members are required in the Palli Sabha meeting, you are required to ensure sufficient dialogue with the civil society. You may utilize the forum of the District Level Coordination Committee on NGOs for the purpose of enlisting capable and sincere NGOs in capacity building and awareness generation.
8. You are requested to take up another round of training at Sub-Divisional level, by bringing together all concerned, including officials, elected non-officials and members of the civil society so that the procedures and the functions of authorities under the Act are made known to all once again.
9. Map preparation at the SDLC level is crucial. You are requested to review this aspect and take steps to mobilize the personnel for this purpose properly.

10. You are instructed to make an in-depth review of implementation of the Act in your district and furnish your review note alongwith the MPR to the nodal department i.e. ST & SC Development Department regularly on monthly basis by 5th of each succeeding month without fail. It should be remembered that this is an item of topmost priority for the Govt. of Orissa. Any negligence at any level would be seriously viewed inviting major penalty disciplinary proceedings.

Yours faithfully,

Chief Secretary.

Memo No. 6062 /SSD, Dt. 4/2/09

Copy forwarded to Member, Board of Revenue, Orissa, Cuttck/Commissioner-cum-Secretary to Govt., Forest & Environment Department / Revenue and Disaster Management Department/ Panchayati Raj Department/ All Revenue Divisional Commissioners/ Principal Chief Conservator of Forest / PCCF(wild life) for information and necessary action. They are requested to issue instructions to their field functionaries to ensure that the pace of implementation of the Act is enhanced.


Principal Secretary