

Minutes of the meeting taken by Hon'ble Chief Minister at 12.00 Noon on 01.11.2008 to review the implementation of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006.

The meeting was attended by Chief Secretary, Principal Secretary to Hon'ble Chief Minister, Principal Chief Conservator of Forests, Commissioner-cum-Secretary, ST & SC Development Department, Commissioner-cum-Secretary, Revenue & DM Department, Commissioner-cum-Secretary, Panchayati Raj Department, Special Officer, Forest & Environment Department and Special Secretary to Hon'ble Chief Minister.

Initiating the discussion, Hon'ble Chief Minister wanted to know the progress in regard to settlement of Pre 1980 encroachment cases cleared by the Supreme Court and the status of implementation of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006.

Special Secretary, Forest & Environment Department supplemented by Commissioner-cum-Secretary, Revenue & DM Deptt. reported that the first phase clearance in respect of Pre 1980 encroachment cases has been obtained from the Supreme Court in relation to 12 districts involving about 125 villages and 3800 families, mostly tribals. The second phase clearance will be obtained after the proposals are prepared by Collectors and forwarded to the DFOs of respective territorial divisions. Collectors are required to complete the process by 8.11.2008 and the DFOs by 15.11.2008. It was mentioned that an amount of Rs.8.5 crore towards compensatory afforestation has already been deposited with the concerned Collectors.

As regards implementation of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006, Commissioner-cum-Secretary, ST & SC Development Department submitted that 1,91,460 claims involving about 4,00,000 acres of forest land have been received by Grama Sabhas out of which 1,12,933 claims have been forwarded to the Sub-divisional

Level Committees. The Sub-divisional Committees have vetted 4706 claims. The process has completed only in respect of 317 cases.

Hon'ble Chief Minister wanted to know the reasons for delay in processing claims and instructed all Departments to implement the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006 with a sense of urgency and sensitivity. Officers representing concerned Departments expressed their views and difficulties as follows:

Commissioner-cum-Secretary, ST & SC Development Department submitted that the progress in implementation of the Act suffered after the Hon'ble High Court of Orissa admitted a Writ Petition filed by retired Forest Service Officers against the law and passed orders dated 23.7.2008 not to alienate any forest land by issuing patta or by any other manner pursuant to the provisions of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006, particularly from out of the sanctuaries, National Parks and Biospheres (Reserve Areas) until further orders. Although Hon'ble High Court in their subsequent orders dated 2.9.2008 observed that the process regarding identification and recognition may go on and the final decision would be taken only after leave of the court, but the field functionaries, particularly of Forest Department did not extend the required cooperation and support to process the claims received and forwarded by the Gram Sabhas. He further mentioned that the Forest Department officials at the cutting edge of administration were not attending meetings of Grama Sabhas and taking pleas that they were not being involved in identification of forest land occupied by the claimants.

Principal Chief Conservator of Forests stated that there was no question of Forest Department officials showing reluctance in implementing the law. He submitted that the forest officials needed to be involved by Gram Sabhas and Forest Rights Committees in examination of claims over the forest land and necessary financial support for purchase of survey equipments etc. should be made available to the Forest Department officials for expeditious disposal of claims on the forest land.

Special Secretary, Forest & Environment Department stated that the maps in relation to about 70 % of the forest land (other than reserved forests) are available in the Revenue & DM Department and the Forest Department officials would make all efforts to help Forest Rights Committees and Grama Sabhas in examining claims over the forest areas as early as possible.

Commissioner-cum-Secretary, Revenue & DM Department stated that all the claims could be processed and disposed of in terms of preparation of maps/records on the forest land, if retired Amins are hired for 3 months.

Commissioner-cum-Secretary, Panchayati Raj deptt. did not agree with the Principal Chief Conservator of Forest that Forest Department officials were not involved in the Grama Sabha meetings. He told that notices are issued to all concerned before holding of Gram/Palli Sabha meetings. If the Forest Department officials at the village level fail to attend the meetings, the Grama Sabhas could not be blamed for that. He, however, promised that further campaign would be launched to hold Grama Sabha meetings to invite and consider claims of stake holders on the forest land. The officials of Forest Department should attend those meetings and assist the Forest Rights Committees pro-actively.

Chief Secretary observed that the procedure prescribed under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006 should be followed and objections against the claims on the forest land, if any, on any ground can be raised by the officials of Forest Department before the appropriate forum. For example, if the Forest Department officials object to the claims over the forest land on the ground that the Gram Sabhas are not passed a proper resolution, they may file objection against the decision taken by the Grama Sabhas before Sub-divisional Level Committees and against Sub-divisional Level Committee to District Level

Committee. Wherever necessary, the claims may be remanded to the Grama Sabhas to fulfill the requirements.

Principal Secretary to Hon'ble Chief Minister suggested that the claims forwarded by the Grama Sabhas to the Sub-divisional Level Committee should be disposed of within a month. He also observed that the Forest Department should file counter affidavit on the Writ Petition filed by the retired forest services officials in the High Court challenging the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006.

After detailed discussions, the following decisions were taken:

1. All the 1,12,933 claims pending before Sub-divisional Committee alongwith the pending encroachment cases on the forest land should be disposed of as per the prescribed procedure within a month. While the process can be completed in terms of preparation of title for forest land under occupation, formal distribution of titles would be done only after leave of the High Court.
2. All the claims received by Grama Sabhas should be processed expeditiously. The process of preparation of title on these claims endorsed by the Grama Sabhas which are in accordance with the provisions of the law under reference should be completed within 2-3 months.
3. The cost of survey equipments and stationery articles required for preparation of title claims over the forest land would be paid by ST & SC Development Department. In this regard, specific proposals should be submitted by DFOs to the ITDAs and Collectors.
4. As permitted by Government of India, up to 10 % funds received as assistance under Article 275 (1) of the Constitution can be spent in

implementing the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006. This amount will be utilized for purchase of survey equipments like GPS system, stationeries, printing of forms and remuneration to the Amins to be hired by Revenue & DM Department. While payment in the ITDA Blocks would be made by Project Administrators of ITDAs, requirement elsewhere may be projected to the Collectors so that funds are released accordingly.

5. The Forest Department officials will attend the Palli/Grama Sabha meetings and help Forest Rights Committees pro-actively in preparation of maps etc. Panchayati Raj Department will issue instructions to hold the Gram Sabha meetings regularly for approving claims scrutinized by the Forest Rights Committees before forwarding them to the Sub-divisional Level Committees for vetting.
6. Since Grama Sabha does not have its office, Secretaries of the Gram Panchayats and Forest Department officials will assist the Grama Sabhas in drafting appropriate resolutions to forward the claims scrutinized by the Forest Rights Committees.
7. Gram Panchayats should maintain records about issuance of notices to Government officials particularly to RIs, Forest Department officials and Welfare Extension Officers.
8. Commissioner-cum-Secretaries of Revenue & DM and ST & SC Development Departments, Principal Chief Conservator of Forests shall attend Zonal meetings of DFOs and Sub-Collectors in the Second week of November 2008 to explain the provisions of the law and underline the need on time bound action for its implementation.

Finally, Hon'ble Chief Minister observed that the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006 must be implemented in letter and spirit and any delay or excuse on this account would be viewed most seriously. Field functionaries of all the Departments should be pro-active and sensitive towards the interest of tribal communities, he underline.
