

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

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No. 8845 /SSD., Dated Bhubaneswar the, 20<sup>th</sup> May, 2019  
FRA-2/2016

From  
Shri Raghmani Gamango, OAS ( SAG)  
Additional Secretary to Govt.

To  
The Principal Chief Conservator of Forests & HoFF,  
Aranya Bhawan, Chandrasekharpur,  
Bhubaneswar - 751023.

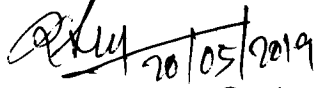
**Sub: Compliance of Hon'ble Supreme Court order dated 13.02.2019 and 28.02.2019 in Writ Petitions(s) (Civil) No(s) 109/2008 Wildlife First & others Versus Ministry of Forest & Environment & others - Verification and submission of Geo-coordinate of rejected claims in SDLC & DLC level.**

Ref: This Department Letter No.8350 Dt.09.05.2019, No.8504 Dt.13.05.2019 and No. 8796 Dt.18.05.2019 to the PCCF, Odisha

Sir,

Inviting a reference to the subject and letters cited above, I am directed to enclose herewith the D.O No.23011/4/2008-SG-I/FRA (Vol.III)(Pt.) Dt.02.05.2019 of the Economic Advisor, Ministry of Tribal Affairs, Govt. of India for further necessary action at your end.

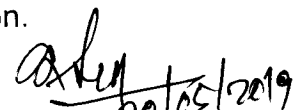
Yours faithfully,

  
Additional Secretary to Govt.

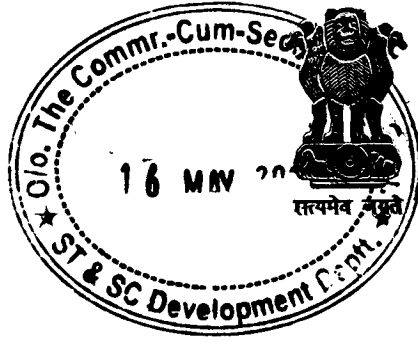
Memo. No. 8846 /SSD., Dated ,20<sup>th</sup> May, 2019  
Copy along with enclosures forwarded to Principal Secretary to Govt., Revenue & Disaster Management Department for information and necessary action.

  
Additional Secretary to Govt.

Memo. No. 8847 /SSD., Dated ,20<sup>th</sup> May, 2019  
Copy forwarded to Additional Chief Secretary to Govt., Forest and Environment Department for information and necessary action.

  
Additional Secretary to Govt.

जयदीप सिंह कोचर  
आर्थिक सलाहकार  
Jaideep Singh Kochher  
Economic Advisor



2019 No- 8533/STSC/19  
भारत सरकार 16/5/19

Government of India  
जनजातीय कार्य मंत्रालय  
Ministry of Tribal Affairs  
कमरा नं. - 736, शास्त्री भवन  
नई दिल्ली-110001  
Room No. 736, Shastri Bhawan,  
New Delhi-110001  
Tel - 011-23073176  
E-mail - jaideep.kochher60@nic.in

D.O.No. 23011/4/2008-SG-1/FRA (Vol.III) (Pt.)

Dated:2.5.2019

Dear *Shri Prasad,*

As you are aware, the Hon'ble Supreme Court vide their Order dated 13.02.2019 & 28.02.2019 in the writ petitions(civil) Nos. 109/2008(Wildlife First & Others versus Ministry of Environment & Forest & Others) has given directions to Forest Survey of India (FSI) to make a satellite survey and place on record the encroachment position to Hon'ble Court upto 12.07.2019. In this connection, FSI has convened a meeting on 15.04.2019. It is mentioned in the minutes of the said meeting (copy enclosed) that although FSI has been communicating to Chief Secretaries and PCCF(HOFF) of all the States for providing geo-referenced boundaries of the land parcels pertaining to rejected claims thereby but so far there has been no positive response from the States. Accordingly, it has, inter-alia, been decided in the said meeting that data related to rejected claims may be obtained from Ministry of Tribal Affairs. The Director General of FSI has, thereafter sent a D.O. letter addressed to Secretary (TA) dated 24.04.2019 (copy also enclosed), in which it has been requested to this Ministry to provide them with the digital geo-referenced polygons of all the rejected individual claims so that the same may facilitate them in the satellite survey exercise.

2. This Ministry has no such data available which may help the FSI for satellite survey. It is therefore, requested to provide the requisite data pertaining to your State to Forest Survey of India directly under intimation to this Ministry so that the Order of Hon'ble Supreme Court may be complied with at the earliest. Any further directions, standard format etc. for providing the requisite data may be obtained from the FSI directly.

With regards,

Yours sincerely,

*(Signature)*

(Jaideep Singh Kochhar)

*(Signature)*  
16/5/19  
Encl: As above.

**Shri R. Raghu Prasad,**  
Commissioner-cum-Secretary,  
ST & SC Development Department,  
Government of Odisha,  
**Bhubaneswar-753001.**

Subject: **Compliance of Hon'ble Supreme court of India orders in Writ Petitions(s) (civil) No(s). 109/208 Wildlife First & Others. Versus Ministry of Forest and Environment & others.**

To: secy-tribal@nic.in

Cc: FSI Dehradun Director General <dgsi@fsi.nic.in>, meenakshi joshi <joshi.meenakshi0@gmail.com>

Date: 04/25/19 03:15 PM

From: "Joint Director (NFDMC) FSI Dehradun" <jdnfdmc@fsi.nic.in>

Annexure (1).docx (14kB) CS\_Kamataka.pdf (457kB) Kamataka.pdf (310kB) MOTA.jpg (1.7MB)  
PCCF Letter (3).pdf (268kB)

Sir,

Please find attached DO letter along with PCCF (HoFF) & Chief Secretary letter herewith regarding above mentioned subject.

Thanks and Regards,  
FSI  
Dehradun

—MOTA.jpg—

डा० सुभाष आशुतोष, मा.व.से.  
DR. SUBHASH ASHUTOSH, I.F.S



महानिदेशक  
भारतीय वन सर्वेक्षण  
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय  
भारत सरकार  
DIRECTOR GENERAL  
FOREST SURVEY OF INDIA  
MINISTRY OF ENVIRONMENT, FOREST &  
CLIMATE CHANGE  
GOVERNMENT OF INDIA

F. No. 22-331/2016-FGD 1960

Dated: 24 April, 2019

Dear Sir,

As you are aware, the Hon'ble Supreme Court on 13.02.2019, in the matter of W.P. (C) 109/2008 and W.P. (C) 50/2008, and subsequent order dated 28.02.2019 has directed FSI to carry out satellite survey and place on record the encroachment positions as far as possible.

Following the directions of the Hon'ble Court, Forest Survey of India, has written to all the 21 States and UTs mentioned in the order, requesting to provide the geo-referenced data of rejected claims under the Schedule Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (copy of the letter written to Chief Secretary and PCCF (HoFF) of all States enclosed). However, we have not received the required data so far from the States and UTs to carry out satellite survey of encroachment positions.

As the Ministry of Tribal Affairs (MOTA), under section 11 of the above mentioned Act is the Nodal Agency for implementation of its provisions, it is requested to kindly provide us with the digital geo-referenced polygons of all the rejected individual claims so as to facilitate the satellite survey exercise if the same is available with MOTA. Else kindly issue directions from your end to the concerned for providing the requested boundaries to FSI at the earliest. Along with the above any supplementary data relevant to above exercise if available may be shared from your end.

An early reply in this regard would be highly appreciated as the matter pertains to the orders of Hon'ble Supreme Court of India and the time given to FSI for filing the affidavit is upto 12<sup>th</sup> July, 2019.

regards

Yours sincerely  
Ashutosh

(Dr. Subhash Ashutosh)  
Director General

*OC*

To

Sh. Deepak Khandekar  
Secretary,  
Ministry of Tribal Affairs,  
218, 2nd Floor, D-Wing,  
Shastri Bhawan,  
New Delhi-110001

*Handwritten signature*  
24.09.2019



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कौलागढ़ मार्ग, पो. ओ-आईपीई, देह्यदून-दुल्लाह : (0135) 2758139 फ़ैक्स : 2759104  
Kaulagah Road, Po-PE Dehradun-Tel : (0135)2758139 Fax : 2759104  
E-mail : [dg@iwc.nic.in](mailto:dg@iwc.nic.in), [sashutosh30@yahoo.com](mailto:sashutosh30@yahoo.com)

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(भारत सरकार पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय)  
(Govt. of India Ministry Of Environment, Forest & Climate Change)  
कौलाग्रह मार्ग पो 0 आ 0 आइएपीएडो  
Kaulagarh Road, P.O. - I.P.E.  
देहरादून-248 195  
Dehradun - 248 195

F. No. 22-331/2016-FGD-19/1

Dated: 22 April, 2019

To

The Secretary,  
Ministry of Tribal Affairs,  
218, 2nd Floor, D-Wing,  
Shastri Bhawan, New Delhi-110001


**Sub: Compliance of Hon'ble Supreme court of India orders in Writ Petitions(s) (civil) No(s). 109/208 Wildlife First & Others. Versus Ministry of Forest and Environment & others.**

Sir,

With reference to the subject cited above, please find enclosed herewith the Minutes of Meeting of the Expert committee in compliance of Hon'ble Supreme Court of India Orders in the writ petition(s) (civil) No(s) 109/208 Wildlife & ORS. Versus Ministry of Forest and Environment & Ors. held on 15<sup>th</sup> April, 2019 at Forest Survey of India, Dehradun for kind information and necessary action.

Encl: As above.

Yours faithfully,

  
(Meenakshi Joshi)  
Joint Director (FGD)

**Minutes of meeting of the Expert committee held in compliance of Hon'ble Supreme Court of India Orders in the writ petitions(s) (civil) No(s) 109/208 Wildlife &ORS. Versus Ministry of Forest and Environment &Ors. (IA 5/2014, 1/2008, 6/2015, 69409/2018, 75108/2018, 75127/2018,88926/2018) with T.C( c) No. 3/22016(XVI-A held on 15<sup>th</sup> April, 2019 at Forest Survey of India, Dehradun**

First Meeting of the Expert committee constituted vide order F. No.22-331/2016-FGD/743A dated 22<sup>th</sup> March, 2019 in compliance of Hon'ble Supreme Court of India Orders in the writ petitions(s) (civil) No(s) 109/208 to Forest Survey of India was held on 15<sup>th</sup> April, 2019. The meeting was chaired by Dr. Subhash Ashutosh, Director General (DG), FSI. The meeting was attended by Dr. A.K. Jha, Retd, IFS (Former Commissioner Tribal affairs and Director TRTI, Maharashtra-Expert Member, and APCCF) Sh. Uttam Kumar Sharma (Additional Professor , IGNSA-Expert Member), Sh. P.K. Mishra (CCF (IT), Smt. Sunita Jee as representative of the Odisha State Forest Department), Sh. Sushant Sharma, JD (TFID-Member) and Smt. Meenakshi Joshi, JD (FGD-Member). Sh. Anurag Srivastava, APCCF (IT), Madhya Pradesh Forest Department, who is an Expert member in the committee participated in the meeting via video conferencing from Bhopal, Madhya Pradesh.

Sh. Prakash Lakhchaura, DDG (TFID), Sh. E.Vikram, DD (FGD), Sh. R. Arun Kumar, DD (FGD), Sh. Sunil Chandra, AD, Sh. Abhay Kumar Saxena, AD, Sh. S.K. Agarwal, DD (SM), and other officers and Technical Staff of Forest Survey of India also participated in the deliberations.

Smt. Meenakshi Joshi, Joint Director, FSI welcomed the participants and highlighted on the objectives behind holding the meeting of the Expert Committee for compliance of Hon'ble Supreme Court Direction to FSI in the instant case.

DG, FSI in his opening remarks informed the members about the direction given by the Hon'ble Court to FSI in its order dated 13-02-2019 "Let Forest Survey of India (FSI) make a satellite survey and place on record the encroachment positions and also state the positions after the eviction as far as possible".

The above direction has been retained in the subsequent order passed by the Hon'ble Court on 28-02-2019 after the review petition and has given time up to 12<sup>th</sup> July, 2019 only to file affidavit in this case. The DG, FSI apprised the committee members about the action taken by FSI so far:

1. Letters have been sent to all the PCCFs & HoFFs to send the shape files of Geo-referenced boundaries of those land parcels on which claims of Scheduled Tribes (STs) and Other Traditional Forest Dwellers (OTFD) have been rejected under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006
2. Letter with a similar request have also been sent to the Chief Secretaries of all the 21 States mentioned in the judgment.

3. An indent for LISS-IV satellite data of the whole country of the relevant year has been sent to NRSC and the matter is being pursued with them.
4. Regional Director and other officers of FSI have been asked to personally meet PCCFs & HoFFs of all the States in their respective jurisdictions and expedite availability of shape files of Geo-referenced boundaries of the land parcels.
5. So far, no state has submitted the boundaries of the land parcels of the rejected claims.

A detailed presentation on the Hon'ble Supreme Court direction in the case, status of claims (filed and rejected), responses of the state government, provision of FRA, 2006 on mapping of claims and the issues of methodology to be adopted for the satellite survey as directed by the Hon'ble Court and way forward was made by Sh. E. Vikram, DD (FGD).

Expert member Dr. A.K. Jha, presented on the provisions of the act and the procedure followed by state of Maharashtra including use of Remote Sensing GIS technology for the implementation of the FRA, 2006. He also informed that initially the state of Maharashtra was carrying out GPS survey of all the claims that were put up to the Forest Rights Committee and data pertaining to both the accepted claims and also legally rejected claims as per provision of FRA is available with the Tribal and training Research Institute, Pune under the tribal affairs department which is Nodal agency for implementation of act in the State. He also informed that the above analysis was carried out using CARTOSAT I satellite data and software was also developed for analyzing claims. Dr. Jha also pointed out that since Ministry of Tribal Affairs of Govt. of India is the Nodal agency for implementation of the act under section 11 of the Forest Right Act, 2006, therefore Forest Survey of India should also communicate with MOTTA for providing data related to rejected claims to FSI for the purpose of the compliance of the Hon'ble Court directions.

Sh. Anurag Srivastava, APCCF, Madhya Pradesh informed the committee that in the state, only geo-referenced polygons for the accepted claims are available. He further mentioned that the state will share the available data pertaining to accepted claims as well as possible locations, forest compartments, villages wherein claims were rejected and other ancillary data. He also informed that Recorded Forest Area boundaries of the state were recently digitized from the Forest Block maps at 1:12,500 scale and would be made available to FSI within a week's time.

Sh. Uttam Kumar, Sharma also emphasized that with exception of few states like Maharashtra most of the states do not have geo-referenced data for the rejected claims. He also suggested that in such cases the information pertaining to villages, forest ranges, and compartments if made available may be used in giving an indication of the situation. He also highlighted that within the rejected claims there could be cases where the land was under cultivation but the claimant was not eligible and vice-versa where the claimant was eligible but the forest area being claimed was not under any cultivation or possession. He was of the view that in the analysis only satellite data of current period should be used to assess status of current land used based on which inference regarding encroachment can be drawn.

Sh. P.K. Mishra, Representative of Odisha Forest Department made a presentation on the Status of claims. He informed the committee that GIS data is available only for accepted claims and no digital information available for rejected claims. In some divisions in the RF areas, point location of claims taken. He also informed that 70% of the claims are in the revenue forest areas. He informed that approx. 1.45 lakh claims were rejected and out of which the major chunk of rejections was at the level of forest right committee. Smt. Sunita Jee informed about the application developed for recording GIS boundaries of the claims and that the department has initiated the data collection pertaining to rejected claims by the SDLC and DLC.

DG, FSI reiterated to all members that the FSI's role is restricted to the scope of the Hon'ble Court's direction and the organization will confine itself to the analysis within the areas for which geo-referenced boundaries are provided by the states. He also emphasized to the representative of the states to respond to FSI communication in the matter at the earliest.

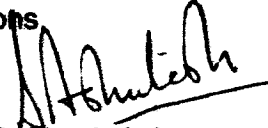
After deliberation following decisions were taken:

1. Although FSI has been communicating to all the concerned States for providing Geo-referenced boundaries of the land parcels pertaining to rejected claims but so far there has been no positive responses from the States. Since Ministry of Tribal Affairs (MOTA) is the Nodal Agency under section 11 of the Forest Right Act, 2006, therefore Forest Survey of India will send a communication to MOTA for providing data related to rejected claims to FSI for the purpose of the compliance of the Hon'ble Court directions. A standard format will be prepared to get data on the rejected claims which will include reasons for rejection.
2. Since State of Maharashtra followed a standard procedure for digitizing the boundaries of both the accepted and the rejected claims as informed by Expert member Dr. A.K Jha, FSI should directly communicate with the Nodal Department of State and get the data pertaining to rejected claims for the purpose of analysis. FSI should also request to share the available CARTOSAT I satellite data from Tribal Department of State Government by sending letter to the Chief Secretary, Maharashtra.
3. Odisha State Government should provide data to FSI on the rejected claims at the earliest as it is generated by the mobile application developed by the Odisha Government.
4. The state of Madhya Pradesh will provide information on the locations, forest compartments, villages wherein claims were rejected at the earliest to FSI as a web service through its portal. In addition, the recently generated RFA data would also be made available to FSI for analysis.
5. As regard the methodology to be followed for the purpose of analyzing the rejected claims of the concerned States following decision were taken:
  - In cases where the concerned states are able to provide geo-referenced shape files of polygons of land parcels pertaining to



rejected claims, the data will be analyzed for three time periods i.e. near to the cutoff date of 13<sup>th</sup> December, 2005 as given in the Act, and the current period to assess the encroachment position. Depending upon the availability of data, an assessment of land use in the relevant polygons may be undertaken for an interim period.

- In cases where the concerned states are not able to provide geo-referenced data as mentioned above, the states will be asked to atleast provide information pertaining to locations, forest compartments, villages where claims were rejected.
6. In addition to LISS -IV data, as per requirement FSI may also procure Very High Resolution and may also use other freely available data from Landsat, Sentinel etc., data for the purpose of the analysis. For the states of Maharashtra and Karnataka, the VHR data that is already available with FSI would also be used to ascertain the encroachment positions.

  
(Dr. Subhash Ashutosh)  
Director General

F.No 22-331/2016 - FGD - 1911

Dated 22/1/19

Copy to :

1. PS to Secretary, Ministry of Environment, Forest and Climate Change, New Delhi, Govt. of India for kind information.
2. PS to DGF&SS, Ministry of Environment, Forest and Climate Change, New Delhi, Govt. of India for kind information.
3. PS to secretary, Ministry of Tribal Affairs, Govt. of India for kind information.
4. The Chief Secretaries of the concerned States for information and necessary action.
5. PCCF (HoFF), Odisha Forest Department for information and necessary action.
6. Dr. A.K. Jha (Retd.), IFS, 303, Salvador, Fortaleza Society, Kalyani Nagar, Pune -411006. (India)
7. Sh. Anurag Srivastava, IFS, APCCF (IT), Govt. of Madhya Pradesh, Satpura Bhawan, Ground Floor, Bhopal- 462004
8. Sh. Uttam Kumar, IFS, Additional Professor, IGNEA, Dehradun.
9. All Regional Directors, Forest Survey of India.
10. Joint Director, TFI, Forest Survey of India, Dehradun
11. Joint Director, FGD, Forest Survey of India, Dehradun.
12. DD (FCM-I) and (FCM-II), Forest Survey of India, Dehradun for information.