


**PROCEEDINGS OF THE 1ST MEETING OF
STATE LEVEL MONITORING COMMITTEE
HELD ON 3RD APRIL 2008.**

The First Meeting of the State Level Monitoring Committee constituted vide ST & SC Development Department Resolution No. 4694/SSD dt. 1.2.08 for implementation of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 and Rules made thereunder was held on 3.4.08 at 12.30 P.M. in the 2nd Floor Conference Hall of the Secretariat under the Chairmanship of the Chief Secretary, Orissa.

The list of the Members of the Committee and Officers who attended the meeting is given at Annexure-I.

At the outset the Commissioner-cum- Secretary, ST & SC Development Department welcomed all the Members and Officers present in the meeting and explained the aims and objectives of the Ari Bharat Paik, MLA appreciated the Act and the steps taken by the Government for implementation of the Act in the State. He defined it as a landmark Act which provides rights over forest land to the Scheduled Tribes and Other Traditional Forest Dwellers who have been residing there for generations and whose rights had not been recorded. Commissioner-cum- Secretary, ST & SC Development Department also clarified the role and responsibility of the State Level Committee which are as follows:

1. Devising criteria and indicators for monitoring the process of recognition and vesting of Forest Rights.
2. Monitoring the process of reorganization, verification and vesting of Forest Rights in the States.
3. Furnishing a six monthly report on the process on recognition, verification and vesting of Forest Rights and submit the nodal agency such returns and reports as may be called for by the nodal agency.
4. Taking appropriate actions against the concerned authorities under the Act on receipt of a notice as mentioned in section 8 of the Act.
5. Monitoring resettlement under Sub-Section (2) of Section – 4 of the Act.

Commissioner-cum-Secretary, Revenue & DM Department stated that the law that provides for recognition of Forest Rights to Scheduled Tribes in occupation of Forest Land and to Other Traditional Forest Dwellers who are in occupation of the Forest land prior to 13.12.1930 up to a maximum of 4 hectares. He stated that this cut-off date is relevant only for Other Traditional Forest Dwellers and not for Scheduled Tribe Persons. These rights are heritable but not alienable or transferable. Moreover land revenue will not be collected against the occupation.

That as per the procedure of Gram Sabha (Palli Sabha) the competent authority will determine nature and extent of Forest Right of both individuals as well as for community rights. The Forest Rights Committee has to receive and hear the claims related thereto, and recommend for each individual and for community purpose forest land is under occupation or being used. The recommendations of Forest Rights Committee will be placed before the Palli Sabha, as per Rule 12(2).

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Sri Balabhadra Majhi, MLA stressed on awareness campaign and also emphasized on filling up and submission of application forms. Since this act is being for Scheduled Tribes orientation is necessary for the members to be well acquainted with. He also stressed on supply of electricity in Forest villages. He drew the attention of the Chair to the fact that Section 3(2) (i) provides for forest diversion of only one hectare. But drawl of HT or LT lines for say 10 Km would require more than one hectare. After detailed discussion, it was decided that for linear projects like drawl of electrified lines or strengthening of forest roads, only right of way is required and diversion of forest lands would not needed. It was resolved that Forest and Environment Department may note the important need for drawl of electrical lines, strengthening of existing forest roads etc. and take expeditious steps for according necessary clearance.

Commissioner-cum- Secretary, ST & SC Development Department stressed the need for holding Palli Sabha and election of Forest Right Committee. He told that Palli Sabha can be held at any time as and when required. This is a continuous process till the claims are properly scrutinized and recommended.

The Chief Secretary advised that it is everybody's duty to protect the forest and while recognizing the rights of Forest Dwellers there should not be any compromise in protecting the forest. The need of the hour is that all concerned already understand the provisions of Act and Rules. Training programmes should be conducted at all levels to serve this purpose.

Padamshree Tulasi Munda stressed the need of black topping the roads leading to the mines areas of Keonjhar district running through the forest area as the dusty road has made nearby area and the leaves of the trees of unusable for the tribals living in the area. She also stressed that primary importance should be given to the landless tribals while recognizing rights over the forest land.

Principal Chief Conservator of Forest, Orissa clarified the position regarding forest road repair citing the circulars of Govt. of India issued in this regard. He told that clearance from Ministry of Environment is required for construction of roads running through forest areas. In the 5th Schedule of the Constitution, Gram Sabha can pass resolution in this regard but the same may or may not be acceptable.

The committee appreciated the action of Forest Deptt. to have dropped of about 9,000 forest offence cases. PCCF also stated that lack of clear map of the Forest Blocks is a major constraint now to determine and to demarcate and replicate in another map by Palli Sabha to recommend Forest Right till now only for 45% of forest area map could be prepared. It was advised that PCCF should take immediate steps to resolve this issue. However, before the next meeting steps should be taken to declare the villages and other forest habitations as Revenue villages. If Forest map is not readily made available the Palli Sabha will discharge its functions with their existing resources as the task envisages under the Act cannot be delayed.

Commissioner-cum-Secretary Panchayati Raj Department informed on the progress made so far by PR Deptt. for implementation of the Act. All Sarpanchs of the State have been instructed to hold the Gram Sabha in the villages of their respective jurisdiction in two phase in 16.3.08 and 23.03.08 as per the programme scheduled by the concerned Block Development Officers in PR Deptt. Letter No. 9153/PR dt. 26.2.08. In the meantime 22 Collectors have intimate about the conduct of Palli Sabha. As per the report 23,074 Palli Sabhas in 4724 GPs have been conducted. Instruction shall be issued to defaulting Collectors for holding of the Palli Sabha and selection of Forest Rights Committee since it is a continuous process.

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Commissioner-cum- Secretary, Revenue and D.M. Deptt. suggested that one retired Amin and Revenue Inspector may be engaged to assist in the work at each Sub-Divisional level on a consolidated remuneration. He requested for providing funds out of the interest money of ITDA funds or for making special budget provisions. Commissioner-cum-Secretary, ST & SC Dev. Deptt. informed that funds are not available under ITDA at present. It was decided that Finance Department may take expeditious steps to accord permission for Revenue Department to engage these personnel as they would be essential to implement the Act. Commissioner-cum- Secretary, Revenue and DM Department suggested to involve the Gram Sathis engaged by P.R Deptt. to assist the monitoring of the work at the ground level. It was also discussed to authorize "Gram Sathis" engaged under PR Deptt. to supervise the Programme and monitor the proceedings of Palli Sabha so that the Palli Sabha members are made clearly aware of the provisions of the Act and the Rules.

The meeting was concluded with a vote of thanks to the Chairman, and other members present as proposed by Director, ST & SC Development Department.

Chief Secretary