

ରଞ୍ଜନା ଚୋପ୍ରା, ଭା.ପ୍ର.ସେ.
Ranjana Chopra, IAS



Government of Odisha

ପ୍ରମୁଖ ଶାସନ ସଚିବ,
ଅନୁସୂଚିତ ଜନଜାତି ଓ ଅନୁସୂଚିତ ଜାତି ଉନ୍ନୟନ,
ସଂଖ୍ୟାଲଘୁ ଓ ପଛୁଆବର୍ଗ କଲ୍ୟାଣ ବିଭାଗ

Principal Secretary,
ST & SC Development, Minority &
Backward Classes Welfare Department

Phone: 0674 - 2536672, 2322757

E-mail: ranjana.chopra@nic.in

No. 9414/SSD.,

STSCD-FRA-PLAN1-0002-2014

Date: 23.04.2021

Dear Madam,

Sub: Alleged violation of the provisions of the Scheduled Tribes & Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (FRA, 2006) and Amendment Rules, 2012 in the matter of transportation of MFPS by the Forest Rights title holders.


Ref:- (i) This Department's letters bearing No.10217/SSD dated 05.08.2020 and 17450/SSD dated 09.12.2020 (Copies enclosed).
(ii) Letters dated 18.03.2021 of the DFO, Bhawanipatna (KL) Forest Division addressed to 26 Gram-Sabhas of Kalahandi district.

In inviting reference to the correspondences on the subject cited above, I am to state that despite our request made vide this Department's letter dt.05.08.2020 for issuance of necessary instruction to the DFOs concerned not to harass any genuine forest right title holders to enjoy the community rights conferred under FRA and to recognise the authority of the Gram-Sabha in the sale, disposal & trading of MFPS, it is noted that DFO, Bhawanipatna (KL) Division has issued notices to 26 Gram-sabhas of Kalahandi district with copies to the Chairman, SLMC (FRA) cum Chief Secretary, Odisha & others, which indicates that he has not yet been made aware about the correct position of law thus putting the FR title holders in adverse position affecting their livelihoods.

In this connection, I would like to draw your kind attention to the provisions enumerated under rule 2 d of the amended Forest Rights Rules, 2012, which has also been reiterated vide Notification No.24314/F&E dt.28.12.2012 of the Forest & Environment Department in the matter of system of working of bamboo in forests by the State Government by providing that "Transit permit will be issued by the Gram Sabha for which permit books will be supplied by the Forest Department free of cost".

In view of it, I would request you to kindly consider the gravity of the matter and instruct the DFO concerned accordingly so that forest right title holders are not put to undue harassment in the trading of MFPS during this critical juncture and are provided with the requisite hand holding support as envisaged under rule 16 of the amended Forest Right Rules, 2012. This may kindly be treated as **MOST URGENT.**

Regards
Yours sincerely,


23/4/21
(Ranjana Chopra)

Dr. Mona Sharma, IAS,
ACS, Forest & Environment Deptt.,

Memo No. 9415 / SSD, Dt 23-04-2021

Copy along with copies of enclosures sent to the RDC, Southern Division, Berhmapur, Ganjam / Collector & Chairperson, DLC on FRA, Kalahandi / DFO, Bhawanipatna (KL) Division, Dist: Kalahandi/ DWO, Kalahandi for information and necessary action.


Director, ST

GOVERNMENT OF ODISHA
ST & SC DEVELOPMENT DEPARTMENT

No. 10217 / SSD, Bhubaneswar Date 05-08-2020
STSCD-FRA-PLAN1-0002-2014

From

Smt. Ranjana Chopra, IAS
Principal Secretary to Govt.

To

The Additional Chief Secretary to Govt.,
Forest & Environment Department,
Odisha, Bhubaneswar.

Sub: - Alleged violation of the provisions of the Scheduled Tribes & Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (FRA, 2006) and Amendment Rules, 2012 in the matter of transportation of MFPs by the Forest Rights title holders.

Ref.:- 1. This Deptt.'s Memo no. 8920 dated 02.07.2020
2. This Deptt.'s letter bearing No. 13125/SSD dated 22.07.2017 (Copy enclosed)

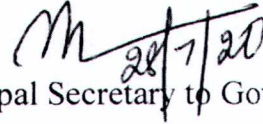
Madam,

In inviting reference to the subject cited above, I am to inform that petitions are being received from several Gram-Sabhas /villagers of Kalahandi district with the allegations that field functionaries of Forest & Environment Department are obstructing the sale and disposal of MFPs and insisting the forest right title holders to furnish Transit Permit. In this connection, I would like to submit that Section 3(1) (c) of the FRA, 2006 recognizes right of ownership, access to collect, use and dispose of MFP, which has been traditionally collected within or outside village boundaries. Rule 2 (d) of the amended FRA Rules, 2012 also provides that the transit permit regime in relation to the transportation of MFP shall be modified & given by the Committee constituted under clause (e) of sub-rule (1) of rule 4 or the person authorized by the Gram-Sabha. Aforesaid rule also stipulate that the transportation of MFP within and outside forest areas for use or sale could be done through appropriate means of transport, though prior to the amendment, 2012, the means of transportation was specified only through head-loads, bicycle and handcarts. Thus, the forest right title holders vested with Community Rights can now use any means for transportation of MFPs and legally they cannot be restrained/obstructed from doing so, since interference with the enjoyment of forest rights of STs/SCs has been included as an offence under Section 3 (g) of the SCs & the STs (Prevention of Atrocities) Act, 1989, as amended.

I would like to add that similar petitions relating to six villages of Golmunda Block of Kalahandi district were also reported to your Department during the year 2017 vide letter referred above and Govt. after due consideration was pleased to deregulate the trade of Kendu leaves in respect of those six villages of Kalahandi only vide Notification no. 23717/F&E dated 17.11.2017. This issue was also discussed in the meeting dated 30.06.2020, wherein Spl. Secretary of your Deptt. had suggested to communicate such instances to the Department for needful action. Accordingly, the details of such grievances/petitions received in this Department is attached herein, which may kindly be referred to for better appreciation of facts

In view of the above noted facts & circumstances, I would request you to kindly consider the matter & issue necessary instruction to the DFOs concerned, so that the authority of the Gram-Sabha for issuance of Transit Permit for transportation of MFPs is recognized and the forest right title holders under FRA are not put to unnecessary harassment in the sale, disposal and trading of MFPs, which is an important source of their livelihood and acts as a solace during this critical period of Covid-19 pandemic.

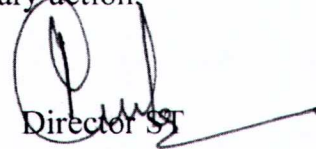
Yours faithfully,



Principal Secretary to Govt.

Memo No. 10218 /SSD, Dt. 05-08-2020

Copy along with copies of the enclosures forwarded to the Collector, Kalahandi / DWO, Kalahandi for information and necessary action.



Director ST

GOVERNMENT OF ODISHA
S.T. & S.C. DEVELOPMENT DEPARTMENT

No. 13125 / SSD, Bhubaneswar Date, 22nd July, 2017.

TD-II-FRA-MISC-0013/2015

From

Sri Surendra Kumar, IAS
Commissioner-cum- Secretary to Govt.

To

The Additional Chief Secretary to Govt.,
Forest & Environment Department, Odisha, Bhubaneswar.

Sub: **Alleged violation of the provisions of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (FRA) and Amendment Rules, 2012 by the DFO, Kendu Leaf Division, Bhawanipatna**

Ref: This Deptt. Memo No-12098/SSD dt.04.07.2017, letter No-11634/SSD dt.23.06.2017 and letter No-11343/SSD dt.19.06.2017 communicated to the Forest & Env. Department, Odisha

Sir,

This is to inform you that petitions have been received from around six Gram Sabhas of Golamunda Block in Kalahandi district wherein it is alleged that the field functionaries of the Forest & Environment Department namely the, DFO, Kendu Leaf Division, Bhawanipatna is obstructing the sale and disposal of the Kendu Leaf which was collected legitimately by the community from within the assigned forest areas, based on Community Forest Rights vested with these Gram Sabhas. Copies of the petitions along with copies of the Community Forest Rights titles issued to these Gram Sabhas are enclosed herewith.

Perusal of these Community Forest Rights titles clearly indicate that the Community Rights have been given for collection of minor forest produce including Kendu Leaf, its use, sale and disposal. As the State Government under Section 3 (1) (c) of 'The Schedules Tribes & Other Forest Dwellers (Recognition of Forest Rights) Act, 2006' have conferred the right of ownership, access to collect, use and dispose of Kendu Leaf from the designated forest areas as specified in the Community Forest Rights titles, any obstruction in carrying out the rights of these Right holders is in complete violation of the provisions of the Act. Further any authority or an officer who contravenes with the provisions of the Forest Rights Act shall be liable to be proceeded against Section 7 of the Forest Rights Act.



Contd... 2..

hence, you are requested to issue necessary instructions to the field functionaries Forest & Environment Department not to obstruct any genuine right holders or community to enjoy the Community Rights conferred to them under the provisions of Forest Rights Act.

This is utmost priority.

Yours faithfully,

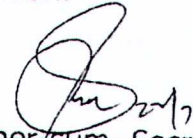


Commissioner-cum- Secretary to Govt.

Memo No. 13126 / SSD

Dtd. 22-07-2017.

Copy forwarded to Principal Chief Conservator of Forests, Odisha, Aranya Bhawan, Chandrasekharpr, Bhubaneswar for information and necessary action.



Commissioner-cum- Secretary to Govt.

Memo No. 13127 / SSD

Dtd. 22-07-2017.

Copy forwarded to Collector, Kalahandi for information and necessary action.

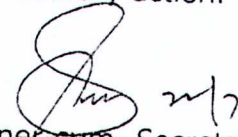


Commissioner-cum- Secretary to Govt.

Memo No. 13128 / SSD

Dtd. 22-07-2017.

Copy forwarded to DWO, Kalahandi for information and necessary action.



Commissioner-cum- Secretary to Govt.

Petitions /Grievances received as regard transit permit for MFPs

SI No.	Petitioners/ Complainants with date	Subject Matter	Communicated vide letter No/ Date
1	Dakibundel Gram-sabha under Sagada GP of Kalahandi district (10.07.2020)	DFO, North Forest Division, Bhawanipatna has been requested to provide T.T permit (for bamboo) book to the Gramsabha as per Forest & Env. Deptt. Notification No. 24314 dated 28.12.2012. Citing the 2(1)(d) & 4(1) (e) of the FRA Amendment Rules, 2012, they have written that their Gramsabha can provide the transit permits.	
2	Gram-sabhas of Suruguda (19.06.2020) Cheramahula (18.06.2020) under Talajaringa GP of Kalahandi	Requesting the DFO, South Forest Division, Bhawanipatna to provide T.T permit (for bamboo) book to the Gramsabha as per Forest & Env. Deptt. Notification No. 24314 dated 28.12.2012. Citing the 2(1)(d) & 4(1) (e) of the FRA Amendment Rules, 2012 they have written that their Gramsabha can provide the transit permits.	
3	Dakibundel GS under Sagada GP of Kalahandi district (01.06.2020)	Upon getting the reply from the DFO, Bhawanipatna (KL) (showing his inability to issue TT for kendu leaves) the Gramsabha sought clarification of the RTI reply of the PCCF(KL) received vide their letter No.3179/2KL (RTI) 25-2018 dtd.25.08.2018	
4	Gramsabhas of Atigaon (30.5.20) under Atigaon GP, Kelia (1.6.20) & Mundiguda (1.6.20) under Kaliakundal GP of Kalahandi district.	Upon getting the reply from the DFO, Bhawanipatna (KL) (showing his inability to issue TT for kendu leaves) the Gramsabha conveyed that they are using TT permit issued by their respective GS, have sought cooperation from the Forest Deptt. for smooth transportation of kendu leaves citing the reply received from the PCCF (KL) vide their letter No.3179/2KL(RTI) dtd.25.08.2018	
5	Gramsabhas of Bhoiguda Dakibundel under Sagada GP (20.2.20), Bagadunguri Atigaon and Kelia villages (21.2.20) under Atigaon GP, Mundiguda (2.3.20) under Kaliakundal GP, Suruguda (27.2.20) under Talajaringa GP, Dhanrapur (15.2.20) under Dhanrapur GP of Kalahandi district.	Requesting the DFO, Bhawanipatna Kendupatra Division of Kalahandi district to issue transit permit book in favour of the respective Gramsabhas for transportation of kendu leaves (MFP).	

6	Sri Arakshit Patra, Secretary of GS Lundurubaru Dudukaranja GP, Kalahandi (8.11.19)	Non-issuance of transit permit for bamboo collected by them under FRA	Collector/DWO Kalahandi, F & Env. Deptt., vide L.No19958/SSD dt.20.11.2019
7	Baksandi Gramsabha, M. Rampur Block, Kalahandi (20.8.19)	Non-issuance of transit permit for kendu leaves collected by them under FRA	Collector/DWO, Kalahandi No.15547 dt.12.9.19,
8	Gramsabhas of Gundurupi, Lamera and Tarkabahali under Barabandha GP of Kalahandi (20.8.19)	Non-issuance of transit permit for bamboo collected by them under FRA	Collector/DWO, Kalahandi, F & Env. Deptt., 18731/SSD dt.01.11.2019
9	Sri Amar Ku. Patra, Secretary of Kanabada Bakabada Anchalika GS Mahasangha, Jamaguda village under Barabandha GP, M. Rampur Block, Kalahandi (28.8.19)	Allegation of illegal intervention in the process of increasing tenure of transit permit given by the Gram Sabha with a request to the Forest Department to send the transit permit book back to the Gundurupi and Baksandi Gramsabha.	Collector/DWO, Kalahandi, F & Env. Deptt., PCCF, Odisha 17066/SSD dt.04.10.2019
10	Jaymal Patra, Secretary of Udegiri GS under Dudukaranja GP, Block-M.Rampur, Kalahandi (24.05.19)	Non-issuance of transit permit for Kendu leaves collected by them under FRA	Collector, Kalahandi No.19135/SSD dt.07.11.2019,
11	Karuna Harijan, Secretary of Tarkabahali GS (23.12.17), Bysadab Majhi, Secretary of Pipadi GS (25.10.17), Subala Majhi, Secretary of Lamera GS (22.12.17), Nilamber Patra, Secretary of Jamguda GS (14.04.18)	For issuance of transit permit books in favour of Gram Sabhas	Collector cum Chairperson, DLC on FRA, Kalahandi No.13700/SSD dt.17.07.2018
12	Shri Trinath Majhi, President of Gundurupi Gram Sabha, PO-Barbandha, Block-M. Rampur, Kalahandi, dt.15.09.2017, 05.10.2017 & 20.12.2017	Non-issuance of T.T permit in favour of the Gram Sabha to transport bamboo	Collector, Kalahandi No.17785/SSD dt.11.10.2017 No.2658/SSD dt.09.02.2018
13	Secretary and others of Pipadi GS, GP-Dudukaranja in M.Rampur Block (08.05.17, 05.08.17)	Issue of T.T. permit under FRA	Collector, Kalahandi No.10094/SSD dt.29.05.2017 No.14868/SSD dt.19.08.2017

14	Sri Subal Majhi, President of Lamer GS in M. Rampur Block (8.12.16)	T.T. permit under FRA	DWO, Kalahandi No.22733 dt.14.12.16
15	President & others of Jamaguda GS, Po-Barbandha, Kalahandi (15.11.16)	T.T. permit under FRA	DWO, Kalahandi No.22832 dt.16.12.16
16	Dasarathi Behera, Kalahandi Jungle Surakshya Manch (through E-mail dtd.15.11.16)	Non-issuance of T.T permit book to Tarkabahali GS for selling harvested bamboo	Collector/DWO, Kalahandi, F & Env. Deptt., 20965/SSD dt.19.11.2016
17	Karuna Harijan, Secretary of Tarkabahali GS, Kalahandi (through E-mail dtd.26.9.16)	Request made for the transit permit book citing that the Gram-sabha can provide transit permit as per the provision of FRA Amendment Rules, 2012	Collector/DWO, Kalahandi, F & Env. Deptt., 18422/SSD dt. 05.10.2016

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

No. 17450 / SSD, Bhubaneswar, Date 09.12.2020
STSCD-FRA-PLAN1-0002-2014

From

Smt. Ranjana Chopra, IAS
Principal Secretary to Govt.

To

The Additional Chief Secretary to Govt.,
Forest & Environment Department,
Odisha, Bhubaneswar.

Sub.:- Alleged violation of the provisions of the Scheduled Tribes & Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (FRA, 2006) and Amendment Rules, 2012 in the matter of transportation of MFPs by the Forest Rights title holders.

Ref.:- This Deptt.'s letter No. 10217/SSD dated 05.08.2020

Madam,

In inviting reference to the correspondence cited above on the subject, I am to furnish herewith the list of twenty Gram-sabha/ Villages of Kalahandi district, which have filed grievance petitions requesting for issue of transit permits for transportation of MFPs (Bamboo & Kendu leaves) from the forest area, which have been vested as Community Rights as per the provisions enumerated under Section 3 (1) (c) of the Scheduled Tribes & Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.

This is for your kind information and necessary action

Yours faithfully,


Principal Secretary to Govt.

List of the Grama-sabha/ Villages of Kalahandi district, which have filed petitions requesting for issue of Transit Permits for transportation of MFPS.

Sl. No.	Name of the Gram-sabha/ villages & MFP for which TP sought	Address	Dates of filing petition.
1	Sadalguchha (for bamboo)	GP/PO-Barabandha, Via- Narla	01.10.2020
2	Dhanrapur (both for bamboo & Kendu)	Dhanrapur GP, Dharmagarh Block	21.08.20, 21.07.20& 15.02.20
3	Cheramahula (for bamboo)	Talajaringa GP, Junagarh Block	03.11.2020, 26.08.2020, 18.06.2020,
4	Michasola (for bamboo)	Talajaringa GP, Junagarh Block	02.11.2020, 25.08.2020, 22.06.2020
5	Suruguda (both for bamboo & Kendu)	Talajaringa GP, Junagarh Block	01.11.2020, 21.08.20, 19.06.20& 27.02.20
6	Uparajaringa (both for bamboo & Kendu)	Talajaringa GP, Junagarh Block	03.11.2020, 20.06.2020
7	Atigaon (both for bamboo & Kendu)	Atigaon GP, Junagarh Block	18.07.20, 30.5.20 & 21.2.20
8	Mundiguda (both for bamboo & Kendu)	Kaliakundal GP, PO- Chaudipadara, Junagarh Block	19.07.20, 1.6.20& 2.3.20
9	Bagadunguri(both for bamboo & Kendu)	Atigaon GP, Junagarh Block	20.07.20 & 21.2.20
10	Kelia (both for bamboo & Kendu)	Kaliakundal GP, PO- Atigaon, Junagarh Block	17.07.2020, 1.6.20 &21.2.20
11	Bhoiguda (both for bamboo & kendu)	Sagada GP, PO- Sagada, Bhawanipatna Block	03.11.2020, 06.10.20, 16.07.20&10.07.20
12	Dakibundel (both for bamboo & kendu)	Sagada GP, PO- Sagada, Bhawanipatna Block	01.11.2020, 06.10.20, 15.07.20, 10.07.2020, 01.06.20 & 20.2.20
13	Lundurubaru(for bamboo)	Dudukaranja GP,PO- Barabandha, Via- Narla	07.10.20 & 8.11.19
14	Baksandi (for bamboo)	Dudukaranja GP, M. Rampur Block	28.8.19, 20.8.19
15	Gundurupi (for bamboo)	Dudukaranja GP, Barabandha, M. Rampur Block	28.8.19, 20.8.19, 20.12.17, 05.10.17 &15.09.17
16	(i)Kanabada Bakabada Anchalika GS Mahasangha (ii) Jamaguda for bamboo & kendu)	Jamaguda village under Barabandha GP, M. Rampur Block	28.8.19, 14.04.18, 27.01.18, 22.12.17&15.11.16
17	Udegiri (for kendu)	Dudukaranja GP, Block- M.Rampur, Kalahandi	24.05.19
18	Tarkabahali (both for bamboo & kendu)	Barabandha GP, PO- Gunangabeda, Via- Narla	27.02.18, 23.12.17, 15.11.16 & 26.9.16 (e-mail)
19	Pipadi (both for bamboo & kendu)	Dudukaranja GP, M. Rampur Block	19.03.18, 29.01.18, 11.12.17, 25.10.17, 05.08.17 & 08.05.17
20	Lamer (for bamboo)	PO- Gunangabeda, Via- Narla	22.12.17, 8.12.16