

GOVERNMENT OF ODISHA
ST & SC DEVELOPMENT DEPARTMENT

No. 6785 / SSD, Bhubaneswar Date 19.04.2022
STSCD-FRA-PLAN1-0002-2014

From,

Smt. Guha Poonam Tapas Kumar, IAS
Director, ST

To,

The Addl. Chief Secretary, Forest, Environment & CC Department
The Addl. Chief Secretary, Revenue & DM Department
The Principal Secretary, Panchayati Raj & DW Department
The PCCF (KL), Odisha
The Addl. PCCF, P & SM
The Director, SCSTRTI, Bhubaneswar
The Addl. Secretary, Forest, Environment & CC Department
The ALR-cum-Addl. Secretary, Law Department

Sub.:- Proceedings of the meeting held on 10.02.2022 under the Chairmanship of the Chief Secretary, Odisha to deliberate upon the modalities and processes to be followed while vesting of Community Forest Rights over MFPs including Kendu Leaf under the Forest Rights Act / Rules.

Madam/Sir,

I am directed to send herewith the proceedings of the meeting held on 10.02.2022 under the Chairmanship of the Chief Secretary, Odisha to deliberate upon the decisions taken in the meeting dated 16.12.2021 on modalities and processes to be followed while vesting of Community Forest Rights over MFPs including Kendu Leaf under the Forest Rights Act / Rules for your kind information and necessary action.

Yours faithfully,


Director, ST

Memo No. 6786 / SSD, Dt. 19.04.2022

Copy along with copy of the enclosure sent to the OSD to Chief Secretary for kind information of the Chief Secretary, Odisha.


Director, ST

Memo No. 6787 / SSD, Dt. 19.04.2022

Copy along with copy of the enclosure sent to the Sr. PS to DC-cum-ACS, P&C Deptt. for kind information of the DC-cum-ACS.


Director, ST

Proceeding of the meeting held on 10.02.2022 under the Chairmanship of the Chief Secretary, Odisha to deliberate upon the decision taken in the meeting dated 16.12.2021 on modalities and processes to be followed while vesting of Community Forest Rights over MFPs including Kendu Leaf under the Forest Rights Act / Rules.

The meeting on modalities & processes to be followed while vesting of Community Forest Rights over MFPs including Kendu Leaf under Forest Rights Act & its corresponding Rules was held on 10.02.2022 at 4 PM under the Chairmanship of the Chief Secretary. List of the participants is attached as **Annexure-A**

Principal Secretary, ST & SC Development Department welcomed all the participants and with the permission of the Chair requested PCCF (KL) to share his presentation for further discussions and deliberations by the esteemed participants.

PCCF (KL) read out the decisions taken earlier in the meeting held on dated 16.12.2021; and intimated that vesting of forest right(s) is subject to the provisions of the FR Act 2006 as provided u/s 4(1). And that GS/FRC is mandated, as provided u/s 6(1) of the Act read with rules-4,11 & 12 of the amended Rules 2012, to determine/physically verify the nature and extent of the forest rights (claims) that may be vested. He further drew attention to the prescribed format of title to be issued for Community Forest Rights as at Annexure-III appended to the said Rules. It provides among others, for 'Conditions if any' to be indicated while issuing the said title; there is however no specific mention in the Act/ Rules about such 'conditions if any' to be imposed/ reflected therein. Since physical verification of the extent of the forest right (claim) is mandatory requirement, the said exercise of verification, at least in respect of KL, would/should include assessment of its availability/ potentiality in the forest area to be assigned, more so for the fact that KL occurs mostly outside the forest area whereas forest right(s) is confined to the forest lands only [section 3(1) read with sec-2(d)]. Such an assessed quantity may thus be reflected as one of the conditions in the title to be issued. This interpretation/ understanding is otherwise also well within the settled position of Law viz. provisions of the parent Act shall prevail in case of any conflicting/ wanting provisions in the corresponding Rules framed therein . And, hence, assessment of potentiality of KL, as part of exercise for verification of the extent of forest right (claim) & its subsequent reflection, as one of the conditions of the title to be issued, may be considered as essential requirements, facilitating further the implementation of the Act/ Rules.

Principal Secretary, ST & SC Development Department quoting the provisions of rule-4(1) (a),rule-11 (2) (v)and rule 12 (1) (a) of the amended Rules,2012 informed that nature and extent of community rights like right over MFPs are claimed in the prescribed claim Form B as provided u/r 11(1)(a); and after verification & approval, titles are issued in the prescribed Annexure-III by the DLCs concerned. And, there is no provision in the said format for assessing/ reflecting the potentiality of the KL while issuing the title.

After threadbare discussions, the following decisions were taken:

- I. The ACS, Forest, Environment & Climate Change Department, the Principal Secretary, ST & SC Development Department and the PCCF (KL) shall jointly develop the operational guidelines on the modalities and processes to be followed while vesting of Community Forest Rights over MFPs including Kendu Leaf, which shall be made operational after due approval by the Government in ST & SC Development Department.
- II. ST & SC Development Department shall conduct a Quick Assessment study in districts/ areas/ GSs, wherein KL trade has been deregulated including forest areas vested with Community Forest Rights(s) over KL, to document the collection, trade and management practices adopted by such Gram-Sabhas and understand the impact on the communities/ KL Pluckers. And, based on the outcome of such study, strategies may be developed to extend required support to the Gram-Sabhas for better management and trade of MFPs including Kendu Leaf.
- III. SCSTRTI, in consultation with the Forest Department/ KL Organization, shall develop a plan for capacity building of the Gram Sabhas, wherein the Community Forest Rights have been vested, to train them about the assessment of quantum/ potential of KL and prepare the management plan of the forest resources.
- IV. Gram Sabhas, vested with community forest rights, may exercise their rights & do Kendu leaves' trade on their own. Capacity building programmes of these Gram Sabhas may be done to take their business forward.

The meeting ended with Vote of Thanks to Chair.


Chief Secretary, Odisha

Annexure-A

List of Officials who had attended the virtual meeting held on 10.02.222 at 4.00 PM

Sl. No.	Name	Designation
1	Shri Suresh Chandra Mahapatra, IAS	Chief Secretary, Odisha
2	Shri Pradeep Kumar Jena, IAS	Development Commissioner-cum-ACS
3	Dr. Mona Sharma, IAS	Additional Chief Secretary, Forest, Environment & CC Deptt.
4	Sri Satyabrata Sahu, IAS	Additional Chief Secretary, Revenue & DM Deptt.
5	Smt. Ranjana Chopra, IAS	Principal Secretary, ST & SC Dev. Deptt.
6	Shri Ashok Kumar K. Meena, IAS	Principal Secretary, Panchayati Raj & DW Deptt.
7	Smt. Guha Poonam Tapas Kumar, IAS	Director, ST, ST & SC Dev. Deptt.
8	Shri Sushil Kumar Popli, IFS	PCCF(KL)
9	Shri Om Prakash Singh, IFS	Addl. PCCF, P&SM
10	Shri Pradipta Kumar Sahoo, IFS	CF Working Plan
11	Dr. Akhila Bihari Ota, IAS	Director, SCSTRTI
12	Shri Madhusudan Das, OAS(SAG)	Addl. Secretary, Forest, Environment & CC Deptt.
13	Shri Niranjana Panda, OSJS	ALR-cum-Addl. Secretary, Law Deptt.