

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

No. 7201 / SSD, Bhubaneswar

Date 27.04.2022

STSCD-FRA-MISC-0032-2015

From

Smt. Guha Poonam Tapas Kumar, IAS
Director, ST

To

All Collectors-cum-Chairpersons of DLCs on FRA

Sub: - Constitution of Forest Rights Committees by the Gram Sabhas under the Forest Rights Act, 2006 in all the potential/ left-out villages.

Ref.- D.O. letter dt.16.02.2022 of the Secretary, Ministry of Tribal Affairs, Govt. of India addressed to the Chief Secretary, Odisha (Copy enclosed).

Sir,

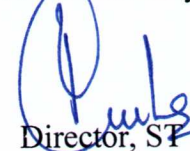
I am directed to state that the Forest Rights Act, 2006 and its Amended Rules, 2012 provides for a statutory body known as Forest Rights Committee (FRC) to assist the Gram Sabha in its functions to receive, acknowledge, verify claims and present their findings on the nature and extent of the claims before the Gram Sabha for its consideration. FRC is a highly inclusive body comprising of 10 to 15 members, two-thirds of which belong to STs and one-third are women. So proper functioning of FRC is a vital tool for effective implementation of FRA, 2006.

In the State level Conference of PA, ITDAs held recently at Bhubaneswar, this matter was thoroughly discussed & a consensus did emerge to ensure constitution/re-constitution and proper functioning of the FRCs. It has also come to our notice that many members of the FRCs are not aware of their roles & responsibilities and thus, capacity building programs are also to be organized through the SCSTRTI/ DLCs/ SDLCs concerned to enable them to discharge their functions effectively.

I would therefore, request you to initiate needful action and ensure constitution/reconstitution of the FRCs in all the potential/left out villages/habitations by coordinating with the freshly elected PRI members as per the statutory provisions of the FRA, 2006 & Amended Rules thereto. The PD, DRDAs, BDOs, Sub-Collectors, DWOs, Tahasildars, DPOs and the Officers of line Department may also be instructed to make necessary arrangement for deploying their subordinate officials to supervise holding of such Palli-Sabhas and provide necessary guidance & assistance for constitution of FRCs by the Palli-Sabhas concerned. Action taken in the matter may please be reported to this Department through e-mail by 20.05.2022 positively for kind appraisal of the competent authorities.


This may please be treated as **Urgent**.

Yours faithfully,


Director, ST

Memo No. 7202 / SSD, Dt 27.04.2022

Copy along with a copy of the enclosure sent to the Addl. Secretary to Govt., Forest, Env. & CC Deptt./ Revenue & DM Deptt./ PR & DW Deptt., Odisha for information and necessary action.


27/4/2022

Officer on Special Duty

Memo No. 7203 / SSD, Dt 27.04.2022

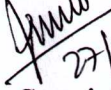
Copy along with a copy of the enclosure sent to all RDCs for information and necessary action.


27/4/2022

Officer on Special Duty

Memo No. 7204 / SSD, Dt 27.04.2022

Copy along with a copy of the enclosure sent to all Nodal Officers on FRA (9 PA, ITDAs and 21 DWOs)/ All Sub-Collectors for information and necessary action.


27/4/2022

Officer on Special Duty

अनिल कुमार झा, आई.ए.एस.
सचिव
ANIL KUMAR JHA, IAS
Secretary



EO 844514 335/1073

भारत सरकार
Government of India
जनजातीय कार्य मंत्रालय
Ministry of Tribal Affairs

DY. 7959/CSO
2-3-22

DO. No. 23011/13/2022-FRA

Dear Sir,

Dated: 16.02.2022

Secretary, ST & SC Development Cell
F & E Deptt.

Chief Secretary
Odisha

As you are aware, the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (in short FRA) was enacted by the Parliament to recognize and vest forest rights in the Forest Dwelling Scheduled Tribes and Other Traditional Forest Dwellers who have been residing in forest land, but whose rights have not been recorded. The Act came into effect from 31.12.2007. The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2007 were also notified on 01.01.2008.

2. This Ministry being the nodal Ministry for implementation of the FRA has been issuing directions and guidelines from time to time on various aspects to ensure its proper implementation. It is expected that regular monitoring is being done at the State/UT level.

3. Recently, in a meeting taken by Hon'ble Minister of Tribal Affairs, it has been directed to review implementation of the FRA in States, in particular at ground level of Forest Rights Committee (FRC). In this respect, I request that the meetings of the SLMC may be conducted periodically to review implementation of the Act in the State/UT. In addition to reviewing the regular progress, the following points may please be ensured:

- i) that the Forest Rights Committee (FRCs) have been formed in all the villages, which have potential forest rights holders;
- ii) that these FRCs carry out their functions in the manner prescribed in the Act and Rules; and
- iii) that appropriate action with regard to the resolutions of the Gram Sabha on recommendations of the FRCs is taken by the Sub-Divisional Level Committee, and the District Level Committee takes a final view in a transparent, efficient, and timely manner.

4. This Ministry has been conveying the need for capacity building of the front-line functionaries who are responsible for implementation of the provisions of the Act/Rules. It has been however observed from the affidavits submitted in the Hon'ble Supreme Court in WPC 109/2008 that the procedure being followed at the Gram Sabha / FRC level or at the supervisory levels for scrutiny/examination of forest rights claims submitted by FDSTs/OTFDs have at times not been as per the provisions of the Act/Rules, which might have resulted in incorrect assessment of claims. There is a need therefore that the key functionaries understand the legal provisions of the FRA both in letter and spirit.

5. Further, necessary follow up action in terms of the affidavit submitted in the Hon'ble Supreme Court by your State Government/UT Administration may also be reviewed during the meeting of the SLMC. I request that the next meeting may be held as expeditiously as feasible and then at regular intervals, keeping us informed about the progress made.

With regards,

Yours sincerely


(Anil Kumar Jha)

Shri Suresh Chandra Mohapatra,
Chief Secretary,
Govt. of Odisha.