

Proceedings of the Video Conference held on 26.02.2014 on the Implementation of Forest Rights Act & Rules & other important schemes of the ST & SC Development Department.

The Video Conference to review the status of implementation of Forest Rights Act & Rules and other important programmes of the Government was held on 26.02.2014 at Odisha Computer Application Centre through OSWAN network at about 9.30 AM in the august presence of Dr. Hrushikesh Panda, IAS, Secretary, Ministry of Tribal Affairs, Government of India. The Commissioner-cum-Secretary, Director (ST) cum-Additional Secretary, Project Director, OTELP, Director (SC Welfare) and other Officers of the ST & SC Development Department also attended the Video Conference. Collectors / ADMs, DFOs, PA, ITDAs, DWOs of majority of the Districts also attended the same through their respective district centres and participated in the discussions.

Secretary, MoTA while welcoming the participants stated that he has visited few villages of Balasore & Keonjhar Districts and has noted that final incorporation of the Titles distributed under FRA in the Revenue & Forest records has not yet been made. Even the maintenance of records & registers on FRA at the GP & Tahasil level has not been satisfactory. Forest Rights Act being a flagship programme of the Government needs to be dealt on priority basis by the District administration so that STs could gain substantially in a sustainable manner. After threadbare discussions as per the agenda notes communicated to all concerned, following decisions were taken for the smooth implementation of the Forest Rights Act & Rules in the State:

Decisions taken:

1. Prompt disposal of pending claims & review of rejected claims under FRA:

All the pending claims (Details indicated in the statement attached as **Annexure-1**) shall be disposed of by the concerned authorities by 10th March, 2014 positively. All the rejected claims shall be reviewed and decisions in this regard shall be communicated to the concerned gram-sabhas as well as to the claimants as required under the Rule-12(A) (3). In this connection, instructions contained in the letter No.5231/SSD dated 1.2.2010 issued by the Principal Secretary, ST & SC Development Department, Odisha and letter no 6061 dated 4.2.2009 issued by the Chief Secretary, Odisha should be acted upon. Compliance in this regard is to be submitted to the ST & SC Development Department by 20.03.2014.

(Action: All Collectors, Nodal Officers under FRA, Sub-Collectors, ADWOs, WEOs).

2. Incorporation of the Forest Rights so vested in the Revenue & Forest records:

Final mapping of forest land recognized under FRA should be undertaken immediately as required under Rule 12 (A) (9). Land recognized under FRA is to be treated at par with the revenue land and records thereof should be accordingly maintained. Instructions in this regard communicated vide letter no.13209-43974 dt.29.10.2010 of the Revenue & Disaster Management Department are to be followed scrupulously. Similarly forest lands recognised in reserve forests are to be properly mapped and entered into the forest block maps maintained by the forest department. Wherever forest maps are not readily available, mapping may be undertaken using GPS technology. GPS equipments procured from the fund placed under Article 275 (1) to all the Districts are to be made available for the purpose. Certified copies of the RoRs should be provided to all the right holders/gram-sabhas as per Rule 8 (h).

(Action: All Collectors, DFOs, Sub-Collectors and Tahsildars concerned).

3. Identification and conversion of forest villages into revenue villages as per the MoTA guidelines:

As required under the MoTA guideline communicated vide letter No 36823/SSD dated 16.11.2013, all forest settlements & habitations are to be identified using District Statistical Handbook and Census Village Directories for the purpose of identification and conversion in accordance with Rule 2 A. A tentative list of the forest villages prepared on the basis of census data has been issued earlier. However for ready reference the list is attached herewith as Annexure-2 for necessary guidance and action.

(Action: All Collectors and Sub-collectors concerned)

4. Recognition of Community Rights & rights on Community Forest Resources:

The process for facilitating filing of claims on community rights and rights on community forest resources should be expedited on priority basis and should be completed by 10th March 2014. In this connection services of all the WEOs and other concerned line department officials should be utilized. Steps should be taken for prompt disposal of the claims received from the Gram Sabhas or pending with the SDLCs and DLCs in accordance with the procedure suggested in the Act and Rules. In this connection instructions contained in Rule 12 B (3) and (4) need to be meticulously followed. No distinction between STs and OTFDs should be made for the purpose of filing of claims and recognition of community rights as well as rights on community forest resources.

It was also suggested that the process being followed in Mayurbhanj for delineation and mapping of CFR areas using GPS technology needs to be replicated and if required, concerned officials from other district may contact PA ITDA, Baripada for guidance and exposure visits.

(Action: All Collectors, Sub-Collectors and Nodal officers on FRA)

5. Recognition of rights of the OTFDs:

Clarification issued earlier on OTFDs by the Ministry of Tribal Affairs in the frequently asked questions (FAQs) at Sl. 8 and also available in the website of the Ministry of Tribal Affairs, Govt. of India must be followed while disposing of the claims of the OTFDs. In this regard, it is to be noted that FRA does not make any distinction between the rights of STs and OTFDs and therefore no such distinction should be made while dealing with the claims received from the OTFDs. It is further clarified that Rule 12 (A) (11) and Rule 13 (1) (particularly evidences such as statement of elders, genealogy etc.) may be followed while processing the claims of the OTFDs. Wherever required the census report of 1931 may be followed for reference.

(Action: All Collectors & Nodal Officers under FRA)

6. Deregulation of Kendu Leaf in Malkangiri and Nabarangpur:

Instructions contained in letter no.3822/SSD dt.22.01.2014 & no.7726/SSD dt.20.02.2014 are to be followed scrupulously and both the Collectors of Malkangiri and Nabarangpur should ensure that KL pluckers /gatheres are not subjected to exploitation or harassment due to the process of deregulation of KL in their respective districts. A District Support cell under the Chairmanship of the Collector & PA, ITDA as Member Convener with Sub-Collector, DFO, Range officers, DWO, DPO, representatives of reputed NGOs/Civil Society Organizations (to be nominated by the Collector) & Officer of TDCC as members is to be constituted. The support cell should carry out the functions as communicated in the letter referred above.

Collector, Koraput was requested to spare the services of DFO (KL) Jeypore as and when sought for by the Collector, Malkangiri.

(Action: Collectors and DFOs of Nabarangpur, Malkangiri and Koraput)

7. Holding of DLC and SDLC Meetings on FRA regularly:

It was decided that the decisions communicated earlier as regards holding of the DLCs and SDLCs meetings at least once in two months should be adhered to and the proceedings of those meetings should be communicated to the ST & SC Development Department along with the MPRs.

(Action: All Collectors, Nodal Officers under FRA & Sub-Collectors concerned)

Other Matters concerning FRA

- Some of the Collectors shared concerns regarding improper/incomplete claims received from the Gram-Sabhas which is delaying the processing of claims. In this regard capacity building and awareness generation of the members of FRCs and Gram Sabhas should be ensured by the Collectors as required under Rule 6 (k).

- As regards doubts expressed by some of the Collectors concerning Pahad / Parbat / Donger kisam lands, it was suggested to refer the letter no 10070/SSD dated 12.03.12 of ST and SC Development Dept and letter no 43968 dated 24.10.2011 of R & DM department and follow the instructions contained therein. Referred letters are annexed as Annexure- 3 & 4. It was also suggested that the Secretary, ST & SC Development Department would take up the issue with the Addl. Chief Secy., R & DM Deptt. for issuance of further clarification, if necessary.
- With regard to the diversion of forest land, it was stressed that the forest land should not be diverted without completion of the process of recognition of rights under FRA and without obtaining the written consent of the gram-sabhas concerned.

8. Safety & security of Girls Hostel of SSD Department:

This Department has issued a letter on 23.12.2013 stating that in the vulnerable locations to engage lady home-guards or constable to provide Safety and Security to the Girls Hostels. All Collectors have been requested to take special measure to make necessary arrangements for the above and the PA ITDA & DWO's were asked to give compliance.

Many districts have prepared the list of Raising of Boundary Walls, providing fabricated spikes, spherical barbed wire over the existing Boundary wall above 7' 0" height. All the PA ITDA & DWO's were instructed to ensure submission of the same by 5th of March, 2014 positively. (Action: All Collectors, PA, ITDAs & DWOs)

9. Safety of structures in the Educational Institutions of the SSD Department.

12 Districts have submitted the list of Unsafe Buildings numbering about 397. All other districts were requested to submit the same by 10th of March, 2014 for needful action at this end.

All the PA, ITDAs & DWO's were also instructed to clear the debris from the School as well as Hostels campuses, where ever exists and also to provide support where ever prop is required to support the old structure, on priority basis. Demolition of the dilapidated structures is to be done immediately with prior permission of the competent authority and compliance be reported to the Department.

(Action: All Collectors, PA, ITDAs & DWOs)

10. Creation of Irrigation sources, Inter-cropping and Nursery raising under FADP

On the matter of "Creation of Irrigation sources and Inter-cropping in Wadi, Rubber, Coffee, Ber (for Lac cultivation) and other horticultural plantations" and "nursery raising for Rubber & Coffee plantations", it was decided that

(1) Provision of watering, either through head-load or as pot irrigation, is temporary in nature, unless it is accompanied by permanent irrigation sources, either previously existing or to be created.

i) As per the instruction of the Commissioner-cum-Secretary of SSD Dept. in the review meeting held on 15.11.2013, while creation of irrigation sources, care is to be taken so that over emphasis on groundwater exploitation is not given, i.e., judicious harvesting/usage of surface, rain, ground water is to be done to maintain sustainable development.

(2) Due to poor coverage of irrigation sources in plantation areas, instructions were again given to all PA, ITDAs for creation of irrigation sources in Wadi, Rubber, Coffee, Ber (for Lac cultivation) and other horticultural plantations.

i) They were requested to review progress every fortnight and inform progress/delays, if any, to the SSD Dept. every fortnight starting from 01.03.2014. PA, ITDAs may form an ITDA-level team comprising of Project Manager, Subject Matter Specialist (Agriculture) & Assistant Eng. /Junior Eng. of ITDAs to facilitate creation of irrigation sources in these plantation areas.

ii) In case of convergence under Jalanidhi, Lift Irrigation, BKVY schemes etc., funds may be placed with the respective implementing agencies by concerned PA, ITDAs after finalisation of design and estimates.

(3) In view of less coverage of inter-cropping in plantation areas, PA, ITDAs were instructed to ensure inter-cropping, as permissible, in Wadi, Rubber, Coffee and other horticultural plantation areas.

(4) Availability of Rubber, Coffee and Ber/Semialata (if needed, for Lac cultivation) planting materials is to be ensured, for plantations to be done during 2014–15 and thus due care is to be taken in such nursery raising, with adequate provision of irrigation sources near nursery sites.

i) Further, as part of plantation programme to be taken-up during 2014–15, instructions were again given to all PA, ITDAs to place indent on time, for planting materials of Wadi plantations viz. fruit crop, e.g. Mango, Cashew, Banana, Litchi with Horticulture Dept. and for forest species saplings as 'Boundary crop' with Forest Dept.

(5) All PA, ITDAs were requested, vide Dept. letter No.7250/ Dt.17.02.2014, to provide Convergence Plan for 2014–15 under "Focused Area Development Project (FADP)", as per their Annual Budgeted Action Plan (2014–15). The PA, ITDAs, who have not submitted the same till date, were again instructed to provide the details by 12 PM of 28.02.2014, as the same is to be communicated to concerned Depts. such as Panchayati Raj Department etc. **(Action: All Collectors & PA, ITDAs)**

sd/-

Commissioner-cum-Secretary to Govt.

Memo No. 9483 / SSD dt. 07.02.14

TD II (FRA) - 1/14 Copy forwarded to all Collectors/ DFOs/ PA.ITDAs/ DWOs / Sub-Collectors for information and necessary action.

[Signature] 7.3.14
Director (ST)-cum-Addl. Secy. to Govt.

Memo No. 9484 / SSD dt. 07.03.14

Copy forwarded to the Private Secretary to the Secretary(T.W.), Ministry of Tribal Affairs, Govt. of India for kind information of the Secretary, Ministry of Tribal Affairs.

[Signature] 7.3.14
Director (ST)-cum-Addl. Secy. to Govt.

INDIVIDUAL CLAIMS

Annexure - I

Implementation of Forest Rights Act - Total number of pendency position including remand

As on 31-01-2014

Sl.No	District	Individual Claims received	Claims pending at different levels without Processing	Claims remanded by GS/SDLC/D LC to lower levels	Total Pending including remand (Col 4+5) (Decanding Order)	Percentage (Pendency as a %age of Total Claims received) [Col. 6/3]	DISPOSAL			
							Rejected	Approved	Total (Rejected + Approved)	Percentage (Disposal as a %age of Claims recvd) [Col. 10/3]
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
1	Sundargarh	53155	18084	7161	25245	47.49%	13045	14865	27910	52.51%
2	Nawapara	23257	12764	3474	16238	69.82%	1000	6019	7019	30.18%
3	Koraput	33710	2972	3673	6645	19.71%	0	27065	27065	80.29%
4	Rayagada	30053	1639	4058	5697	18.96%	7694	16662	24356	81.04%
5	Sambalpur	31314	1313	3063	4376	13.97%	14339	12599	26938	86.03%
6	Deogarh	13817	3745	415	4160	30.11%	4983	4674	9657	69.89%
7	Mayurbhanj	37659	0	3697	3697	9.82%	14791	19171	33962	90.18%
8	Jajpur	9170	2739	14	2753	30.02%	4330	2087	6417	69.98%
9	Bolangir	4796	1970	0	1970	41.08%	1636	1190	2826	58.92%
10	Malkangiri	34569	304	1486	1790	5.18%	3037	29742	32779	94.82%
11	Ganjam	12957	1022	401	1423	10.98%	5958	5576	11534	89.02%
12	Dhenkanal	12600	71	1342	1413	11.21%	5078	6109	11187	88.79%
13	Kendrapara	4045	811	5	816	20.17%	2924	305	3229	79.83%
14	Kalahandi	11461	695	8	703	6.13%	657	10101	10758	93.87%
15	Angul	8285	517	107	624	7.53%	5116	2545	7661	92.47%
16	Cuttack	5774	0	610	610	10.56%	3738	1426	5164	89.44%
17	Nayagarh	3334	526	17	543	16.29%	137	2654	2791	83.71%
18	Boudh	3499	234	263	497	14.20%	1585	1417	3002	85.80%
19	Khurda	2331	445	36	481	20.63%	1180	670	1850	79.37%
20	Jharsuguda	9588	384	0	384	4.01%	6850	2354	9204	95.99%
21	Kandhamal	60346	161	91	252	0.42%	2437	57657	60094	99.58%
22	Bargarh	3512	86	92	178	5.07%	2235	1099	3334	94.93%
23	Subarnapur	1561	21	17	38	2.43%	1171	352	1523	97.57%
24	Bhadrak	202	0	27	27	13.37%	0	175	175	86.63%
25	Nawarangpur	36820	3	0	3	0.01%	174	36643	36817	99.99%
26	Balasore	4595	0	0	0	0.00%	1810	2785	4595	100.00%
27	JSpur	48	0	0	0	0.00%	1	47	48	100.00%
28	Puri	1169	0	0	0	0.00%	1169	0	1169	100.00%
29	Keonjhar	61128	0	0	0	0.00%	15297	45831	61128	100.00%
30	Gajapati	49085	0	0	0	0.00%	16585	32500	49085	100.00%
	ODISHA	563840	50506	30057	80563	14.29%	138957	344320	483277	85.71%

Population of Scheduled Tribes and Scheduled Castes in Forest Villages/Un-surveyed Villages/Habitations

Sl. No.	District	No. of Habitations with inhabitants	Total HHs	Total Population	Total SC Population	Total ST Population
1	Angul	9	170	818	13	243
2	Balasure Baragarh	1	126	655	186	0
3	Boudh	13	80	369	68	239
4	Dhenkanal	17	523	2678	246	2310
5	Gajapati	40	262			
6	Ganjam	17	152	663	188	241
7	Jagatsingpur	1	101	519	8	0
8	Kalahandi	18	269	1138	61	987
9	Keonjhar	49	2975	13615	1037	9725
10	Khurda	10	340	1838	128	111
11	Kondhamal	41	382	1807	122	1600
12	Koraput	110	2333	9837	391	7613
13	Malkanagiri	157	3842	17815	6191	8754
14	Mayurbhanj	22	407	1974	236	1541
15	Nawarangapur	9	2116	9241	408	7174
16	Nayagarh	3	53	205	124	81
17	Nuapada	7	281	1177	80	849
18	Puri	4	8	35	0	0
19	Rayagada	35	448	1812	5	1741
20	Sambalpur					
21	Sundergarh	50	1717	7851	440	7081
	Total	613	16585	74047	9932	50290
	Percentage				13.41	67.92

Source of Information: Census of India, 2001

ANNEXURE - 3

By Fax/ E-Mail

**GOVERNMENT OF ODISHA
ST & SC DEVELOPMENT DEPARTMENT

Letter No 10070/500 Dated 12-03-2012
TD II (FRA) 06/2011

From,

Smt.P.Mekro, IFS
Addl. Secretary to Govt.

To,

The Collector,
Kalahandi

Sub: Clarification sought for Pahad and Dangar KISSAM of land for settlement of claims under Forest Rights Act, 2006.

Ref: DO.No.414 dt.06.03.2012

Sir,

I am directed to invite a reference to your DO letter cited above and to say that Pahad & Dangar KISSAM lands is not synonymous, with Forest KISSAM Lands.

Sec 2(d) of the Forest Rights Act defines

"Forest land means land of any description falling within any forest area and includes unclassified forests, undemarcated forests, existing or deemed forests, protected forests, reserved forests, sanctuaries and national parks."

All forest land of Forest Department and forest land under Revenue & Disaster Management and lands having existing forest cover like Pahad and Dongar KISSAM, which finds place in the DLC report as filed in WP(C) No. 202/1995-TN Godavarman Thirumulkpad-vrs.-Union of India and Others during 1997, then claims can be entertained under the provisions of this Forest Rights Act as clarified in the Revenue Deptt. letter no.GE (GL)-S-23/09 (pt.1) 5309 dt.11.02.2011.

If the claims are beyond this scope, you are advised to dispose of the case under other available provisions like OPLE Act or OGLS Act as applicable.

Yours faithfully

Mekro
12/3/2012
Addl. Secretary to Govt.

Annexure-4

BY FAX

**GOVERNMENT OF ORISSA
REVENUE AND DISASTER MANAGEMENT DEPARTMENT**

No.GE(GL)-S- 76/2010- 43968 / R & DM. Dtd. 24/10/2011

From

Shri R. K. Sharma, IAS
Commissioner-cum- Secretary to Government

To

All Collectors

Sub: Government land recorded in non-forest kism with a note of "Sabik Kism Jungle" in the RoR finally published after 25.10.1980 but which was forest kism in Sabik record – application of Forest (Conservation) Act, 1980 – Clarification regarding.

Madam/Sir,

There have been doubts about the applicability of Forest (Conservation) Act, 1980 to the lands recorded as non-forest kism in RoR published after 25.10.1980 but which carry an entry of 'Sabik kism jungle' in the remarks column.

This matter has been examined in consultation with Forest & Environment Department and it is noted that section 2 of the Forest (Conservation) Act, 1980 restricts the dereservation of forests or use of forest land for non-forest purpose except with prior approval of Government of India, MoEF for such non-forest use.

Further, the Hon'ble Supreme Court, in their order Dt. 12.12.1996 passed in WP(C) No. 202/1995 have observed that

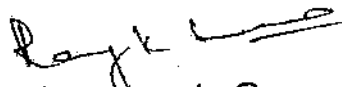
" The term 'forest land' occurring in section 2, will not only include 'forest' as understood in the dictionary sense, but also any area recorded as forest in the Government record irrespective of its ownership. This is how it has to be understood for the purpose of section 2 of the Act. The provisions enacted in the Forest Conservation Act, 1980 for the conservation of forests, and the matters connected

therewith must apply clearly to all forests so understood irrespective of the ownership or classification thereof

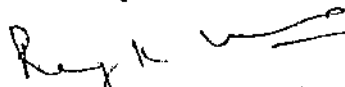
In consideration of this position, Government have been pleased to clarify that the provisions of Forest (Conservation) Act, 1980 would be applicable to any type of forest land including the land recorded as non-forest land in Hal records published after 25.10.1980 which was of "Jungle" kism in its respective Sabik record as on 25.10.1980 irrespective of the fact that the said non-forest kism land in Hal record does not find place in the District Level Committee Report which formed the basis for the affidavit filed by the State Government before the Apex Court.

You are, therefore, requested to take appropriate action in the matter accordingly.

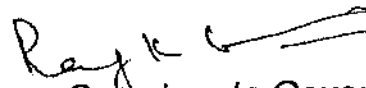
Yours faithfully,



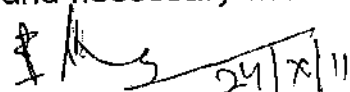
Commissioner-cum- Secretary to Government
Memo No. 43969 IR&D.M. dtd. 24/10/2011
Copy forwarded to Secretary, Board of Revenue, Orissa, Cuttack/ all RDCs for information and necessary action.



Commissioner-cum- Secretary to Government
Memo No. 43970 IR&D.M. dtd. 24/10/2011
Copy forwarded to Forest & Environment (Forest) Department/ CMD, IDCO for information and necessary action.



Commissioner-cum- Secretary to Government
Memo No. 43971 IR&D.M. dtd. 24/10/2011
Copy forwarded to OIC, IMU Cell/ LR&GE(A)/(B)/(C) Branch of Revenue & D.M. Department for information and necessary action.



Deputy Secretary to Government