

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

No. 2492 /SSD dated 6th February, 2017.
STSCD-FRA-PLAN2-0001-2017

From,
Sri Surendra Kumar, IAS.
Commissioner cum Secretary.

To,
All Revenue Divisional Commissioners.
All Collectors.

Sub: Coverage of all eligible PVTG families under FRA, 2006 and issue of certificates thereof by the Special Officers of Micro-Projects.

Ref: This Department's letter no.27447/SSD dt.11.08.2011 and No. 9141/SSD dt.01.05.2015 (Copies enclosed as **Annexure-1 & 2**).

Sir / Madam,

In inviting references to the subject cited above, I am to say that instructions were issued earlier to ensure 100% disposal of all FRA claims PVTG communities. While reviewing the status of implementation of FRA based on the MPRs received by the Department for the month of December, 2016, it is noted that out of the 22,420 IFR claims received, only 18,402 IFR titles have been distributed, thus leaving a balance of 4,018 numbers either pending or rejected at various levels (FRC/GS/SDL/DLC). A statement indicating Micro-projects wise status of IFR claims, as on 31.12.2016, is attached herein as **Annexure- 3** for your information and needful action.

You are also aware that Section 3 (1) (e) of the FRA, 2006 recognizes rights including community tenures of habitat and habitation for PVTGs & pre-agricultural communities and in this connection, this Department's letter dt.01.05.2015 (**Annexure-2**) may please be referred to, which details the statutory provisions enshrined under FRA and the role of DLCs. But, it is noted that till date, not a single Habitat rights for the PVTGs has yet been distributed/issued in our State, though 17 MPs are functioning in twelve districts of the State.

I would, therefore request you to look into the matter and ensure that all the eligible PVTGs & their habitations file their Forest Right claims within a definite time frame and are expeditiously processed by the statutory bodies. Further, the certificate as regard 100% coverage of all eligible PVTGs under FRA is issued by the concerned Special Officer, Micro Projects of your district after observing all statutory formalities by the end of June, 2017. The compliance on this be furnished to this department by 07.07.2017.

This may please be accorded Top-Priority.

Yours faithfully,


6/2/17
Commissioner cum Secretary.

Memo No. 2493 /SSD dated. 06-02-2017.


Copy along with copies of enclosures forwarded to the Forest & Environment Department/ Revenue & Disaster Management Department/ Panchayati Raj Department for information and necessary action.


Commissioner cum Secretary.

Memo No. 2494 /SSD dated. 06-02-2017.

Copy along with copies of enclosures forwarded to the concerned Nodal Officers/ Special Officers of all Micro-Projects for information and necessary action.

SOs of Micro-Projects are requested to hold meetings in each habitation, where they should review the progress made so far and also identify issues related to recognition and vesting of forest rights and devise habitation wise action plan and act upon it. The entire process which includes, recognition of forests rights, especially habitat right, demarcation etc. shall be completed by the end of June, 2017. Besides, the SOs shall develop habitation level convergence plan as per the guideline prescribed by this department (Copy enclosed) for the well-being of the PVTGs.


Commissioner cum Secretary.

GOVERNMENT OF ORISSA
ST & SC DEVELOPMENT DEPARTMENT

No. 27447 / SSD. , dated, Bhubaneswar the 11-08-2011
TD-II(FRA)-48/2011

From

Shri S.K. Popli, IFS,
Director(ST/SC)-cum-
Additional Secretary to Govt.

To

All RDCs/
All Collectors.

Sub:- Minutes of the review meeting taken by Hon'ble Chief Minister, Orissa on 27.07.2011 at 11.30 AM on implementation of the STs & Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 & Rules, 2007.

Sir,

I am directed to enclose a copy of the minutes of the review meeting taken by Hon'ble Chief Minister, Orissa on 27.07.2011 at 11.30 AM on implementation of the STs & Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 & Rules, 2007 for your kind information and necessary action.

Yours faithfully,


*Director(ST/SC)-cum-
Additional Secretary to Govt.*

**Minutes of the review meeting taken by the Hon'ble Chief
Minister, Orissa on 22.07.2011 at 11.30 AM on implementation of
the Scheduled Tribes and Other Traditional Forest Dwellers
(Recognition of Forest Rights) Act 2006 & Rules 2007**

The meeting was convened under the Chairmanship of Hon'ble Chief Minister, Orissa. The list of members present is annexed. After detailed discussion following action points emerged.

i. All the claims pending till date at G.S/SDLC/DLC/FRC levels along with the pending encroachment cases on the forest land should be disposed off by October, 2011 & accordingly the Districts may be asked to expedite disposal.

(Action: All Collectors)

ii. It is ascertained that out of the 21930 PTG house-holds, 20848 nos. of claims have been received & 17007 nos. of individual rights have been distributed among the beneficiaries covering an area of 26256.24 acres of land. Special Officers of Micro Projects should certify completion of FRA process covering the PTGs fully.

(Action: All Collectors/Spl. Officer Micro Projects)

iii. District administrations should draw-up special plans to cover all the right-holders by converging different Government schemes like IAY, Mo Kudia, Land Development under MGNREGS, National Horticulture Mission, National Bamboo Mission, Bore Well Scheme etc. **Plantation programme & Bore-Well programme should preferably be implemented in compact patches by clustering a number of beneficiaries.**

(Action: All Collectors)

iv. All Senior Officers at State and District level during their visit to different districts should check the Forest Rights holders and convergence of different Govt. schemes availed by the title holders. ST & SC Dev. Deptt. will write to the Secretaries to visit some of the individual title holders and see the schemes being implemented. **(Action: ST & SC Dev. Deptt./ All Collectors)**

The meeting ended with thanks to the chair.

Members Present

Annexure

1. Hon'ble Cabinet Minister, SC & ST Development, Minorities & Back Classes Welfare
2. Hon'ble State Minister, SC & ST Development, Minorities & Back Classes Welfare
3. Chief Secretary, Orissa
4. Development Commissioner, Orissa
5. Principal Secretary to Hon'ble Chief Minister, Orissa
6. Commissioner-cum-Secretary, ST & SC Development Department
7. Principal C.C.F, Orissa
8. Spl. Secy., F & E Deptt.
9. Addl. Secy., R & DM Deptt.

By FAX

GOVERNMENT OF ODISHA
ST & SC DEVELOPMENT DEPARTMENT

No. 9141 /SSD., Bhubaneswar
STSCD-FRA-MISC-0033-2014

Dt. 1st May, 2015

From,

Shri R.K.Das, OWS
Asst. Director (H.qrs.)

To,

All Collectors.

Sub.: Clarification pertaining to recognition of Habitat rights under Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.

Sir/ Madam,

I am directed to send herewith the copy of the letter No.23011/16/2015-FRA dt.23.04.2015 received from the Under Secretary, Ministry of Tribal Affairs, Govt. of India containing clarification / guidelines in the matter of recognition of habitat rights as per the provisions enumerated under Section 3(1) (e) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, which is self-explanatory, for favour of your information and necessary follow-up action in the interest of implementation of the scheme.

Yours faithfully,

Enclosed: As above

[Signature]
30/4/15
Asst. Director (H.qrs.)

By email

Memo No. 9142 / SSD, Dt. 1st May, 2015

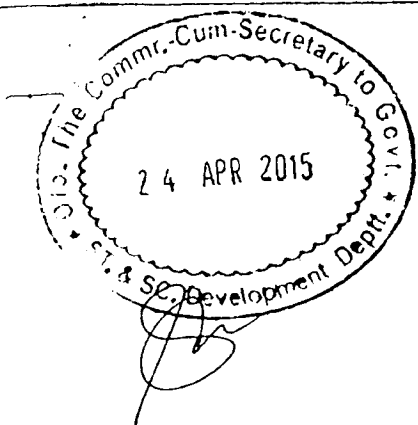
Copy along with copy of the enclosures sent to all Nodal officers under FRA (9 PA, ITDAs & 21 DWOs) for information and necessary follow up action. They are requested to make all-out effort to recognise the habitat rights of the PVTGs as per the provisions under Section 3(1) (e) of the FR Act and intimate this Department about the steps taken towards recognition of such rights for onward submission to the Govt. of India in the Ministry of Tribal Affairs.

[Signature]
30/4/15
Asst. Director (H.qrs.)

Memo No. 9143 / SSD, Dt. 1st May, 2015

Copy along with copy of the enclosures sent to the Forest & Environment Department, Odisha/ Revenue & Disaster Management Department, Odisha/ Panchayati Raj Department, Odisha for information and necessary action.

[Signature]
30/4/15
Asst. Director (H.qrs.)



Handwritten notes: 23011/16/2015-FRA, 24-04-15

No. 23011/16/2015-FRA
Government of India
Ministry of Tribal Affairs
(FRA Division)

R.No. F-280, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi
Dated: 23rd April, 2015

To,
The Chief Secretaries of all State Governments

Sub: **Clarification pertaining to recognition of Habitat rights under Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (FRA)**

FRA
Cell

1. This has come to the notice of the Ministry of Tribal Affairs that the Hindi version of the Forest Rights Act has translated the word 'habitat' under Section 3(1)(e) as "aawas" which is commonly understood as house or homestead. This has created confusion and due to misinterpretation, many States have equated the term "habitat" to mean providing housing facilities as under *Indira Awas Yojana* and other such housing scheme.
2. The Ministry would like to state that the FRA clearly lays down the definition of 'habitat' under Section 2(h), and further describes the forest right to such habitat under Section 3(1)(e). Rule 12(1)(d) of the FR Rules further requires Forest Rights Committee to ensure that the claims from Particularly Vulnerable Tribal Groups (PVTGs) are verified when such communities or their representatives are present.
3. Further, the right to community tenures of habitat and habitation may be recognized over customary territories used by the PVTG for habitation, livelihoods, social, economic, spiritual, sacred, religious and other purposes. In some cases the habitats of PVTGs may overlap with forests and other rights of other people / communities.

Handwritten signatures and initials: 24/4/15, and another signature.

4. Rule 8 of the FR Rules (as amended on 6.9.2012) envisages the role of the District Level Committee (DLC) to examine, whether all claims, especially those of primitive tribal groups (Particularly Vulnerable Tribal Groups), pastoralists and nomadic tribes, have been addressed keeping in mind the objectives of the Act.
5. It has further been provided in FR Rule 12(B)(1) that, the DLC shall in view of the differential vulnerability of PVTGs, ensure that all PVTGs receive habitat rights in consultation with the concerned traditional institutions and their claims for habitat rights are filed before the concerned Gram Sabhas, wherever necessary, by recognising floating nature of their Gram Sabhas.
6. Where the claims of PVTGs have already been filed, the DLCs should take steps to ensure recognition of their rights along with mapping of the area of each claim over which their rights have been recognized.
7. Therefore the State Governments need to make all-out effort to recognise the habitat rights of the PVTGs and intimate the Ministry of Tribal Affairs on the steps taken towards recognition of the rights in the periodic reports submitted by them.

This issues with the approval of competent authority.

Yours faithfully,


(Uttam Kumar Kar)

Under Secretary to the Government of India

Tel No: 011-26182814

Copy to: Principal Secretary/Secretary/Commissioner – Tribal Welfare Departments of all States.

District-wise PTG households and distribution of Titles under FRA' 2006

As on 31-12-2016

| Sl No. | Name of the district | Name of the Micro Project | Name of the Block | No. of house holds | Claims received by FRC | No. of claims verified by FRCs & sent to Gram Sabha | No. of claims approved by Gram Sabha (G6) & sent to SDLC | No. of claims approved by SDLC (Sub-Division wise) & sent to DLC | No. of claims approved by DLC for Titles | Certificate of Titles distributed | Area (in acres) | No. of Claims on non-Forest Govt. land verified for settlement under OPLE | No. of Claims on non-Forest Govt. land verified for settlement under OGLS | No. of PTG households distributed with Title on non-forest land | Area (in acres) | Remarks & Gap between Col 11 against Col 5 |
|--------------|----------------------|---|---------------------------|--------------------|------------------------|---|--|--|--|-----------------------------------|-----------------|---|---|---|-----------------|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 |
| 1 | Mayurbhanj | Hill Kharia & Mankirdia Dev. Agency, Jashipur, 18-Vill. | Jashipur & Karanja | 659 | 182 | 182 | 182 | 182 | 182 | 182 | 200.83 | | | | | 477 Not occupied forest Kisam land |
| | | Lodha Dev. Agency, Morada, 12-Vill. | Suliapada & Morada | 874 | 617 | 617 | 617 | 617 | 617 | 617 | 465.19 | | | | | 257 Not occupied forest Kisam land |
| | | Outside Micro Project areas | | 963 | 864 | 482 | 482 | 482 | 482 | 482 | 141.11 | | | | | 99 Not occupied forest Kisam land |
| | | Sub-Total_Mbj | 2496 | 1663 | 1281 | 1281 | 1281 | 1281 | 1281 | 1281 | 807.13 | | | | | 833 |
| 2 | Angul | Paudi Bhuya Dev. Agency, Jamardih | Pallahara | 1625 | 1316 | 1316 | 1316 | 1196 | 1065 | 1065 | 460.92 | | | | | |
| 3 | Keonjhar | Juang Dev. Agency, Gonasika (35 Villages) | Banspal | 5123 | 5187 | 5187 | 4977 | 4977 | 4907 | 4907 | 6126.76 | 0 | 42 | | | 17 claims have been settled in the name of spouse |
| 4 | Sundargarh | Paudi Bhuya Dev. Agency, Khuntagaon | Lahunipara | 1079 | 965 | 965 | 679 | 508 | 463 | 463 | 423.36 | | | 11 | 0.44 | |
| 5 | Gajapati | Soura Dev. Agency, Chandragiri, 32-Vill. | Mohana | 1128 | 1084 | 1084 | 1084 | 1084 | 1084 | 1084 | 1932.63 | | | | | |
| | | Lanjia Soura Dev. Agency, Serango, 21-Vill. | Gumma | 1293 | 1022 | 1022 | 1022 | 1022 | 1022 | 1022 | 1760.73 | | | | | |
| | | Sub-Total_Gajapati | | 2421 | 2106 | 2106 | 2106 | 2106 | 2106 | 2106 | 3693.36 | | | | | |
| 6 | Ganjam | Tumba Dev. Agency, Tumba | Patrapur | 981 | 1093 | 511 | 459 | 459 | 459 | 459 | 1163.20 | | | | | |
| 7 | Rayagada | Dongaria Kandh Dev. Agency, Chatikona | Bissam-Cuttack & Muniguda | 1444 | 1465 | 1465 | 1363 | 1363 | 1363 | 1363 | 2221.00 | | | | | 81 |
| | | Dongaria Kandh Dev. Agency, Parsali | Kalyansinghpur | 615 | 661 | 661 | 532 | 532 | 532 | 532 | 867.00 | | | | | 83 |
| | | Lanjia Soura Dev. Agency, Puttasinghi | Gunupur | 947 | 1005 | 1005 | 802 | 802 | 802 | 802 | 1307.00 | | | | | 145 |
| | | Sub-Total_Rayagada | | 3006 | 3131 | 3131 | 2697 | 2697 | 2697 | 2697 | 4395.00 | | | | | 309 |
| 8 | Malkangiri | Bonda Dev. Agency, Mudlipada | Khairput | 1585 | 1468 | 1468 | 1468 | 1265 | 1265 | 1265 | 3148.45 | | | | | |
| | | Didayi Dev. Agency, Kudumuluguma | Kudumuluguma/ Khairput | 1633 | 1450 | 1064 | 1064 | 1064 | 1064 | 1064 | 2420.02 | | | | | |
| | | Sub-Total_Malkangiri | | 3218 | 2918 | 2532 | 2532 | 2329 | 2329 | 2329 | 5568.47 | | | | | |
| 9 | Kalahandi | Kutia Kandha Dev. Agency, Lanjigarh | Lanjigarh | 591 | 562 | 562 | 310 | 310 | 310 | 310 | 313.80 | 31 | | | | |
| 10 | Kandhamal | Kutia Kandha Dev. Agency, Belghar | Tumudibandha | 1697 | 1697 | 1697 | 1697 | 1697 | 1697 | 1697 | 5851.26 | | | | | |
| 11 | Deogarh | Paudi Bhuyan Dev. Agency, Rugudakudar | Barkote | 1001 | 1204 | 1204 | 850 | 521 | 521 | 521 | 409.52 | | | | | |
| 12 | Nawapara | Chukia Bhunjia Dev. Agency, Sunabada | Komna | 614 | 578 | 578 | 578 | 578 | 567 | 567 | 2019.84 | | | | | |
| TOTAL | | | | 23852 | 22420 | 21070 | 19482 | 18659 | 18402 | 18402 | 31232.62 | 31 | 42 | 11 | 0 | 1142 |