

Government of Orissa,
ST & SC Development Department

No.6182/11.3.08/SSD, Bhubaneswar, dated the 15th February, 2008

From

Sri A.K.Tripathy, IAS,
Chief Secretary, Orissa.

To

All Collectors,

Sub: Implementation of the scheduled Tribes and Other Traditional Forest dwellers
(Recognition of Forest Rights) Act, 2006 and Rules framed thereunder.

Ref: This department Resolution No.4694 dated 1.2.08

Sir,

You are aware that the Scheduled Tribes and Other Traditional Forest dwellers(Recognition of Forest Rights) Act, 2006 has become operational after notification of the Scheduled Tribes and Other Traditional Forest dwellers(Recognition of Forest Rights) rules,2007 with effect from 1.1.08 . the law provides for recognition of forest rights to scheduled tribes in occupation of the forest land prior to 13.12.05 and to other traditional forest dwellers who are in occupation of the forest land for at least 3 generations i.e. 75 years , up to maximum of 4 hectares. These rights are heritable but not alienable or transferable.

2. The major forest rights provided by the law include right to hold and live in the forest land under the individual or common occupation for habitation, and self cultivation for livelihood , right of ownership , access to use or dispose of minor forest produce , community rights of uses or entitlements such as fish and other products of water bodies and grazing etc.and any other traditional right customarily enjoyed by the forest dwellers excluding the right of hunting, trapping or extracting a part of body of any wild animal.
3. As per procedure prescribed by the law and rules framed there under, the Gram sabha(Palli Sabha) is the competent authority to initiate the process of determining the nature and extent of forest rights of individuals/ community. The Gram sabha to be convened by the gram Panchayats in its first meeting is required to elect from amongst its members not less than 10 but not exceeding 15 persons as members of the Forest Rights Committee which will decide a Chairperson and a secretary and intimate it to the Sub-Divisional Level Committee.

4. As per Rule -4 of the Scheduled Tribes and Other Traditional Forest dwellers(Recognition of Forest Rights) rules,2007, the Gram Sabha has to initiate the process of determining the nature and extent of forest rights, receive and hear the claims relating thereto. The Gram Sabha is required to maintain a register containing the list of claimants of forest right with details of their claims. A copy of the format of Register of Forest Rights Claims in this regard is enclosed at Annexure-I. The Gram Sabha has to pass the resolution on claims of forest right after giving reasonable opportunity to the interested persons and authorities concerned and forward the same to the Sub-Divisional Level Committee. The inputs given by the Forest Right Committee are naturally to be taken into account while passing the resolution. The forum of Gram Sabha meeting for passing resolutions shall be not less than 2/3rd of its members. All the Government Departments/ Authorities are duty bound to assist the Gram Sabha in examining the claims of individuals on forest rights.
5. The resolution passed by Gram Sabha is to be forwarded to the Sub-Divisional Level Committee which is also responsible for providing information to each Gram Sabha about their duties and duties of holders of forest rights and towards protection of wild life, forest and bio-diversity, forest and revenue maps, electoral rolls etc. in addition to collating all resolutions of the concerned Gram Sabhas and examining the resolutions in terms of veracity of claims before forwarding the claims with draft record to the District Level Committee for final decision. The Sub-Divisional Level Committee is also responsible for providing forms – A&B(Annexure-II in rule6(1) to the claimants
6. The District Level Committee is requested to ensure that the requisite information under clause(b) of rule 6 has been provided to the Gram Sabha or to the Forest right Committee. The final authority to approve the claims and record of forest rights prepared by Sub-Divisional Level Committee or to hear petition of the persons aggrieved by the Sub-Divisional Level Committee rest with the District Level Committee. It is necessary that the District Level Committee submits Monthly Progress Report(MPR) on implementation of Scheduled Tribes and Other Traditional Forest dwellers(Recognition of Forest Rights) Act, 2006 in the prescribed format (Annexure-II). A copy of the MPR may be submitted by the Project Administrators of ITDAs and district Welfare Officers , as the case may be, in the zonal review meetings.
7. In the Resolution No.4694/SSD., dated 1.2.08 of ST &SC Development Department, Sub-Divisional Level and District Level Committees have been constituted. The Sub-Divisional Level Committee includes 3 members of Panchayat Samiti to be nominated by the Zilla Parishad and at least 2 of them have to be scheduled tribes , preferably those who are forest dwellers or who belong to primitive tribal groups. It is necessary that Sub-Divisional Level and District Level Committees indicating the members nominated by respective Zilla Parishads are further notified by the District Administration for absolutely clarity and copies of the notification are

given to persons concerned. Copies of the notifications containing names of Sub-Divisional Level and District Level Committees members should be furnished to the Government in ST &SC Development Department within a fort night positively.

8. It is necessary that the first Gram Sabha meeting is held within a fort night to constitute the Forest Right Committees as per provisions under Rule-3 of Scheduled Tribes and Other Traditional Forest dwellers(Recognition of Forest Rights) rules,2007.
9. Senior officials of 10 districts with majority of tribes representing Forest,Revenue,Panchayati Raj and ST &SC Development Departments attended a 'Training of Trainers' Workshop held at the State Level on 3.2.08. it is necessary to form groups of trainers consisting of these officers which could impart further training to officials and non-officials at the blocks/ GP level. service of these trained officers may also be utilized for training the officials and non-officials of neighboring Districts/Blocks.
10. You are requested to specify the members of District and Sub-Divisional Level committees and implement the provisions of the Act and Rules. It may lease be noted that the implementation of the Scheduled Tribes and Other Traditional Forest dwellers (Recognition of Forest Rights) Act, 2006 shall be reviewed in the zonal meetings by Commissioner-cum Secretary ,ST&SC Development Department regularly. The progress reports received from the District Level Committees will be consolidated at the State Level by ST&SC Development Department and placed for consideration of the State Level Monitoring Committee constituted under the chairmanship of Chief secretary, at regular interval. The formats prescribed under the rules should be used for maintaining records and other processes. Copies of the act and rules in English as well as in Oriya language are once again enclosed herewith for necessary reference. You may consider printing the required number of copies of the Act and Rules for distribution among the various stake-holders i.e. Zilla Parishad members, Panchayat Samiti members,Gram Panchayat members, Gram Sabhas etc.

Receipt of this letter may please be acknowledged.

Yours faithfully

Chief Secretary

Memo No.6183/SSD, Bhubaneswar,dated the 15th February'08

Copy forwarded to principal Secretary, forest & Environment Department/commissioner-cum-Secretary Revenue & DM Department/Panchayati Raj Department/Principal CCF(Wild Life) for information and necessary action. They are requested to issue

instruction to their field functionaries to involve themselves in the process of implementing the Scheduled Tribes and Other Traditional Forest dwellers (Recognition of Forest Rights) Act, 2006.

Chief Secretary.

(Extract from the original letter without signature)