

F.No. 23011/12/2015- FRA  
Government of India  
Ministry of Tribal Affairs  
(FRA Division)  
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Room No. F-280, August Kranti Bhawan  
Bhikaji Cama Place, New Delhi- 110066  
Dated. 23<sup>rd</sup> July 2015

To

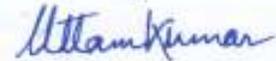
The Principal Secretaries/ Secretaries  
(States of Andhra Pradesh, Chhattisgarh, Gujarat, Madhya Pradesh, Maharashtra,  
Odisha and Rajasthan)

**Subject: Minutes of the review meeting held through video conferencing with  
the State Principal Secretaries/ Secretaries on 14<sup>th</sup> July, 2015 at 3pm  
onwards on the implementation of Forest Rights Act, 2006**

Sir,

The undersigned is directed to forward herewith minutes of the review meeting held on 14<sup>th</sup> July, 2015 through Video Conferencing with the State Principal Secretaries/ Secretaries on the implementation of Forest Rights Act, 2006.

Yours faithfully,



(Uttam Kumar Kar)

Under Secretary to the Government of India  
Tel: 26182429

**Minutes of the review meeting through Video Conference on implementation of Forest Rights Act held on 14<sup>th</sup> July 2015 with the Principal Secretaries/ Secretaries of the States of Odisha, Chhattisgarh, Andhra Pradesh, Maharashtra, Madhya Pradesh, Gujarat and Rajasthan.**

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The meeting opened with Secretary, Tribal Affairs welcoming all the Principal Secretaries/ Secretaries of the seven States who were present for the review meeting on FRA implementation.

1. Secretary TA reiterated that the implementation of FRA was reviewed by Hon'ble Prime Minister as part of the PRAGATI initiative and it was decided that steps must be taken to implement FRA on a Campaign mode.
2. The Ministry had been according top priority to the effective implementation of every aspect/ provision of the Act so as to achieve the objectives enshrined in the Act. Ministry has taken proactive steps to speed up implementation of FRA in all the States. Towards this a meeting was held with States where implementation has been very low on 2<sup>nd</sup> July 2015 and suggestive timelines and action plan has been given to the States to implement FRA on a campaign Mode.
3. In the States of Odisha, Chhattisgarh, Andhra Pradesh, Maharashtra, Madhya Pradesh, Gujarat and Rajasthan some progress has been made but the remaining and the pending work needs to be taken up urgently as the process of vesting of rights have to be completed in a time bound manner. However it needs to be kept in mind that no genuine claimants should be denied of the rights under the Act.
4. Forest Rights Act, 2006 as everybody will agree is one of the historic and landmark legislations of Independent India and it aims to undo the historic injustice. Towards fulfilling the desired intent of the Act, the leadership of Principal Secretaries and Secretaries is essential to drive the process. It has to be focussed and the pending tasks may be completed in a time bound manner over next three- four months.
5. Secretary, Tribal Affairs outlined the broad contours and issues to be taken for discussion during the video conference. He highlighted the following issues:
  - i. **CFR recognition has been very slow in most states,** Consequently the formation of CFR management committees too has not been initiated in most States
  - ii. **High rate of rejections in LWE areas:** The process for rejection was not followed. In many cases it was found that the claimant is not informed in person about the objections to his/her claim or reasons for rejection which would have enabled the claimant to appeal before the SDLC or DLC, as the case may be

- iii. **Recognition of rights in Protected Areas:** In general, rights recognition is still a non-starter in the protected areas viz. National Parks, Wildlife Sanctuaries and Tiger Reserves in any of the States despite the fact that FRA is applicable to these areas also.
  - iv. **Recognition of rights in Disputed Lands :**Issues were raised over the non-recognition of rights in disputed lands, such as 'Orange areas' in Chhattisgarh, Dali plots and Eksali leases in Maharashtra, etc
  - v. **Conversion of Forest Villages in to Revenue villages:** Conversion of forest villages in to revenue villages is yet to be taken up by most of the States.
  - vi. **Conversion of JFM areas into CFR:** Despite clarifications given earlier by the Ministry, JFM/VSS areas continue to be converted into CFR though the Act and Rules envisage determination of CFR by the Gram sabha. Claims to JFM areas under CFR (Form C) by VSS and grant of titles to VSS are not permissible under FRA
  - vii. **Non recognition of habitat rights of the PVTGs:** Very low recognition of the habitat rights of the PVTG groups: Particularly Vulnerable Tribal Groups (PVTGs), and the nomadic and pastoral communities are sections whose distinct rights, for instance habitat rights of PVTGs, are not yet been initiated for lack of clarity
  - viii. **FRA *vis a vis* legally recognised pre-existing rights:** A number of States have State laws recognising rights to forest land, for instance, Chotanagpur Tenancy Act, 1908 and Santhal Parganas Tenancy Act, 1949 in Jharkhand. the Sec.3 (1)(j) specifically provides for recognition of all pre-existing rights under FRA. The State needs to clarify the same so that communities are able to file claims without any fear of losing their existing rights.
6. JS (MKP) further reiterated to the States that the States need to work on a time bound manner as at some point the process has to be completed. However it is utmost essential that in the process, no rightful claimant should be left out.
  7. He stressed on the need for estimation of potential areas and claimants under FRA. The States who are represented through Video Conference in this meeting needs to estimate the pendency or remaining work under FRA and complete the process in a time bound manner in the next two –three months.
  8. JS (MKP) also informed that in a previous meeting with the States where performance is low held in New Delhi, Odisha TRI had given a presentation on estimated areas to be covered under Community Forest Resource (CFR) through the use of census, Forest Survey and GPS mapping. Similar exercise could be undertaken by other States.

9. During the Video Conference, BISAG, dept. of Science and Technology, Government of Gujarat shared a presentation on how Satellite and Remote Sensing Data were used to identify potential area under individual rights for agricultural purpose. It was also shared that the Satellite data needs to be supplemented with other evidences as mentioned in Rule 13 of FR Rules as there are some limitations of these data.
10. Secretary TA pointed out that this may be used as an additional evidence to expedite the process of re-examination of rejected cases where documentary evidence is not available. These mappings of potential areas need to be completed in a time bound manner by the States.

## **State wise issues**

### **11. Odisha:**

- The State Government informed that the process of updation of Record of rights have been initiated and all collectors have been given direction to complete the process of creation of ROR in a time bound manner
- Regarding review of rejection of cases, all DLCs have been asked to review rejected cases and for and to ensure that all the claimants are intimated about the reasons of rejections of their respective claims. Formats in this regard as well as for filing appeals (within the statutory period of 60 days) have been devised in Odiya language and circulated among all the districts for needful action.
- The road map and action plan for pending work Draft Action Plan is under preparation and would be finalized after the SLMC meeting scheduled shortly. The State Govt. has instructed to district Collectors to ensure that the process of implementation of FRA is completed in a time bound
- Secretary, SC&ST development Dept, Govt of Odisha enquired if the JFM/ VSS committees can become the committees as under Section 4 (1) (e) J.S (MKP) clarified that the Gram Sabha has the power to appoint the 4 (1) (e) committee as per the Act and also the committee mandated under FRA is more democratic in nature. It has also been previously clarified that JFM committees cannot automatically be given any CFR rights.
- State Government of Odisha also informed that the focus is on 4 districts and the implementation of the Act will be completed in next two- three months in the districts of Mayurbhanj, Sundargarh, Nuapada and Koraput.

### **12. Chhattisgarh**

- The State Government has amended Rule 6 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2007 as per the specific power vested on the Governor of the Scheduled States, for re-verification of rejected claims and those found eligible are distributed titles. However, identifying left out, if any, potential areas/districts and right holders through the use of technology/GPS

mapping/through secondary data sources such as census etc. where the Act implementation is yet to be taken up shall be done in the immediate future, and time bound action plan shall be prepared accordingly.

- 15 Districts of the state are under LWE. Each of these districts have been directed to give special attention for implementation of FRA and regular monitoring of implementation in these areas are done periodically through video conferencing with senior officers of the State level
- State Government of Chhattisgarh was also advised to take the help of Geo referenced maps to review the rejected claims as rejection is high
- State Government also informed that 72080 individual right holders have been linked to IAY schemes.
- All 421 recorded forest villages have been converted to revenue villages

### **13. Maharashtra**

- Time bound program and necessary instruction have been given to concerned collector for disposal of pending claims, measurement of land, distribution of 7/12 extract and disposal of appeals.
- During the meeting of the State level monitoring committee to take review and monitoring the process of recognition, verification and the vesting of Forest rights in the State.
- 1370 Community forest claims are pending. Prepared time bound action plan for disposal of CFR claims within 6 next months and it is being followed up.
- There is also the issue of high rate of rejection in the State. The State Government informed that they have reviewed 25000 rejected cases. Geo referencing will now be used to review the rejected cases.
- In Nandurbar district 73 Forest Villages to be converted to Revenue villages.

### **14. Madhya Pradesh**

- State Government informed that reasons of rejection of claims are being compiled. Till date 246085 rejected claims have been re-examined of which 18105 rejected claims have been approved.
- Claims for Community rights have been obtained through special campaign. 40615 new community claims have been generated. Awareness campaign is ongoing to generate Community Forest Resource Rights (CFR) claims.
- SLMC committee in its meeting on 6<sup>th</sup> Feb 2014 has entrusted the Forest Department with the task of creation of records of rights for forest right holders on forest land
- State Government has set time line of 31.03.2016 to convert 925 forest villages to revenue villages and updation of record of rights. Disposal of pending claims and re-examination of the rejected claims to be completed by 31<sup>st</sup> December 2015.

- State Government was asked to review the rejected cases with the help of Geo referenced maps as the rejection rate is as high as 62%.

#### **15. Andhra Pradesh**

- Since the rejection of claims are very high, this item has been placed before the SLMC and discussed at length and instructions were given for verification of rejected claims.
- The Forest Officials in Visakhapatnam district are objecting to the recommendations of the FRC and also on the original extent which has been cultivated by the beneficiaries in agency area.
- The Forest Officials in Visakhapatnam districts are reducing the extent without Joint/Field inspection and are not considering the recommendations of the FRC at Grama Sabha level.
- Due to this reason, most of the tribal beneficiaries are getting the title deeds for less extent instead of actual extent cultivated by them. In this connection, the tribals are frequently agitating before the SDLC for grant of title deeds for remaining left over extent under cultivation.
- Most of the claims recommended by the Forest Right Committee at Gram Sabha level as individual claims in VSS villages. But forest department is rejecting the claims in view of the said villages being covered under VSS in Visakhapatnam district.
- Further CFR rights have been automatically transferred to VSS which is violation of FRA. It was informed that the issue will be taken up with the Hon'ble Chief Minister.
- State Government was also asked to sort out interdepartmental issues at the District level and at the level of Chief Secretary if not resolved at the district level.
- State Government was asked to draw up time lines to complete the remaining work at the earliest.

#### **16. Gujarat**

- As per the Govt. of Gujarat Resolution dtd. 12.10.2011 and the Hon. Gujarat High Court directions, the claims which were not approved are under re-examination of 80,314 is completed by SDLC and DLC. Special teams have been formed to expedite the re-examination process.
- The Implementation of FRA in non-scheduled areas is under progress. Training to the officers dealing with FRA is being imparted
- As part of the process of hand holding to right holders of FRA, the list of beneficiaries under FRA is circulated to the concerned departments with a direction to extend all the benefits to the beneficiaries particularly of agriculture, dairy, horticulture, land development, minor irrigation and MNREGA. Provision of 963.00 and 1000.00 lakh is made for the year 2014-15 and 2015-16 respectively.

- The issue of Recording of Rights was discussed in SLMC dated 12/05/2015. The Revenue Department also discussed in the meeting on 14/05/2015 and was reviewed by the Chief Secretary, Govt. of Gujarat reviewed on 07/07/2015. Measurement and demarcation in 47,000 acres of land under FRA have been completed. The measurement of remaining land and demarcation is under progress. The updation of Records of Rights (RoR) has been taken up on top priority.

## **17. Rajasthan**

- State Government reported on the progress made. The State Government was asked to expedite the implementation of FRA on time bound manner
- Certain issues of rejection, particularly in the case of District of Udaipur were brought to the notice of the State Government which the State Government assured to be looked into.
- State Government was also enquired on the relocation from Protected Areas such as Sariska and Kumbhalgarh. It was informed that for creation of Critical habitat relocation is taking place. However it was clarified that FRA process has to be completed before any relocation. State Government was asked to further look into this and take corrective steps.

## **18. Summary of Steps to be taken**

- i. All the State Governments need to make all-out effort to complete assessment of pending work in a time bound manner.
- ii. Support of Geo referencing may be taken to assess the potential areas left to be covered under FRA and may be used specifically to review the rejected claims. This needs to be completed in two months
- iii. Updating and creation of ROR with permanent maps and boundaries of plots need to be completed by December 2015
- iv. Early Steps have to be taken to convert forest villages into revenue villages including the unsurveyed village/ habitation
- v. Since Gram Sabhas are the initiating authority on process of accepting claims under FRA, after the process of completion of FRA including creation of ROR, certificates may be obtained from Gram Sabha that the process is complete.
- vi. SLMC meetings must be conducted every quarter and the quarterly and monthly progress report (MPR) needs to be submitted on time with disaggregated data.
- vii. Along with the MPR, States need to provide information on the Forest villages to be converted to revenue villages

- viii. Ministry of Tribal Affairs will conduct regular review meetings through Video Conferencing with States.
- ix. Based on a list of linear and other projects as provided by Ministry of Environment and Forests, it was stated that State governments are yet to complete the process of recognition of rights in these areas where such projects are coming up. State Governments need to follow up on FRA process.

The Meeting ended with vote of thanks by JS (MKP) to the Principal Secretaries/ Secretaries of the State Governments for attending the Video Conference (V.C) and asked them to prepare the timelines for the pending activities as discussed during the VC and share it with the Ministry at the earliest.

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