

herji

सचिव, भारत सरकार
Secretary to the Government of India
जनजातीय कार्य मंत्रालय
Ministry of Tribal Affairs
शास्त्री भवन, नई दिल्ली-110 001
Shastri Bhawan, New Delhi-110 001
E-mail : secy-tribal@nic.in
Website : www.tribal.gov.in

D.O. No.49/TP/Secy(TA)/2010

5th April, 2010.

Dear

I would like to thank you, and through you your colleagues, especially Shri Bhawanath Deb Burman, Joint Director (TW), for making my tour to North Tripura so educative. In this letter, I would like to mention a number of issues that I feel should be paid attention to, including one where we would request specific enquiry. I think that procedural irregularities might have taken place in the implementation of the Forest Rights Act.

2. Forest Rights Act:

2.1 Recently you had sought a clarification from the undersigned as to whether claims under the Act can continue to be received beyond 31st December, 2009, as there is no such deadline prescribed. We have confirmed your interpretation, but it appears that instructions might have been incorrectly communicated to field offices that even those whose applications have already been received and processed are to be again given a chance to apply for additional forest land that they are occupying. This is the impression I got both in Jampui area as well as in Manu. I would like to reiterate that there is no question of applicants, whose rights have once been decided by the district level committee and titles given accordingly, being given a second opportunity.

2.2 It also appears that in many cases the claims to the Gram Sabhas have been made for a particular extent of area in a particular village, but titles have been given in another village, often for smaller areas. This, if true, is also incorrect. The law is very specific. The claimants have to make claims for areas that they can justify under the provisions of the Act and the Rules subject to a maximum of 4 hectares. There can be no occasion to give less now and more later. Right holders have to prove their rights, and this Act is not the consequence of a land distribution policy. Allotment of land in another village is also un-understandable. It would appear that even when these problems have been pointed by the Secretary of the Village Rights Committee, to the Sub Divisional Committee and the District level Committee, the irregularity has not been rectified. Please see photocopy of the document at Annexure.I in support of what I have said.

2.3 It would also appear that Kuchcha titles have been given when there is no provision for such under the law. The format of the title is specified in the Rules and any other format is legally unacceptable. Annexure.II is the photocopy of two titles deeds that are not as per the Forest Rights Act. Indeed the Forest Rights Act is not an act of the Government of Tripura.

2.4 Annexure.III is a copy of another petition which shows a list titles settled in areas not claimed.

2.5 The above documents were given to me in Jampui hills. The Lusal community elders were very disturbed by the way the titles have been distributed. The complaint raised by community members including those from village council were not apparently entertained by officials who were entrusted with the work including the Sub Divisional level and District level Committees.

2.6 The Act does not permit any reopening of mistakes once title deeds have been given. If large scale procedural irregularities have actually taken place then the State Government may take legal opinion and approach the High Court for rectification. If, on the other hand, irregularities have been detected before the distribution of titles in the form prescribed under the Act, there is scope for the Divisional and Sub Divisional Committees to send the applications back to the Gram Sabhas or where the irregularities have taken place for rectification. As I have said, legal opinion for my suggestion may be taken as to be totally sure of the conformity to the provisions of the Act. Indirectly, it would appear that while Tripura has taken a lead in distributing a large number of title deeds, one is not sure whether the procedure has been correctly followed. You may like to specifically check up that the procedural formalities have all been sincerely followed in the whole exercise. We would be awaiting your report in this matter.

3. Water scarcity:

3.1 In most of the places that I travelled to, water scarcity was apparent. Many tribals, it was found, were drinking water from traditional sources (holes along the rivers or seepages from hill sides) leaving aside water from government constructed ring/sanitary wells. I have suggested some ways to motivate the Scheduled Tribes to maintain their sanitary wells, but I understand that this will need innovative communication methodology/techniques. School children might be better addressed rather than community elders in this regard. Some States like West Bengal are utilizing the services of organisations that are experts in communicating social themes through plays. One such organisation that you may like to contact is banglanatak.com.

3.2 Some States like Gujarat, Rajasthan and Orissa have a system of constructing low check dams on streams, with sand filled bags, just before the dry season. These dams are constructed at many places along the stream

where water can form pools to be used by humans (for bathing or washing clothes) and animals for drinking, and for growing vegetables along the side. During monsoons, water will easily flow over the small dams not causing any great damage. The following year only minor gap filling with sand filled bags will be sufficient. **You may like to consider the feasibility of this suggestion in the particular vulnerable water scarcity villages of your State.**

4. **Forest villages:**

4.1 I could see only one forest village (Mritingacherra in Kanchanpur forest range) and saw the programme details of S.Unokoti and Sonainuri villages in Kailasahar range. The context for visiting these villages was to ascertain why the State has not claimed the balance amount under this programme since 2008-09. As per the records available in this Ministry, in that year an amount of Rs.5.58 crore was released to Tripura for 62 villages, but there was an unspent balance of Rs.4.36 crore resulting in withholding of similar grant under the second phase of funding. I have found that in Mritingacherra a number of items have been identified for expenditure through the forest development agencies for the year 2009-10, but no money has been spent. I also found that the Government of India money is being taken for distribution for various items of work ranging from purchase of musical instruments, making of sign boards, supply of sport goods etc. The utilization in Kailashahar was more logical. **If I am not mistaken, the scheme was aimed to assess critical needs of forest villages, covering infrastructure and income generation and meet these needs in a manner that would provide full (not distributed) satisfaction.** I hope that you will take it up with your counter part in the Forest Department to ensure that for the balance amount, at least, optimal utilization of funds is planned and made possible. Funds under this scheme are not meant to supplement the coffers of FDAs. Annexure-IV refers to what I have seen.

Yours sincerely,

Sd/-

(G.B. Mukherji)

Shri S.K. Das,
Commissioner and Secretary,
Tribal Welfare Department,
Government of Tripura,
Agartala.