

गौत बुद्ध मुखर्जी
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Most Immediate
सचिव, भारत सरकार

Secretary to the Government of India
जनजातीय कार्य मंत्रालय
Ministry of Tribal Affairs
शास्त्री भवन, नई दिल्ली-110001
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D.O.No.23011/24/2009-FRA

22nd September, 2009.

Dear Shri Mishra,

As per the information available with this Ministry, as on 31st August, 2009, out of 2,97,580 claims (2,95,776 individual and 1804 community) filed in the State, the District Level Committee has approved 41,705 claims (41,649 individual and 56 community) but the State Government has not distributed any title deed so far. Till recently, the distribution was held up because of a court stay though there was no stay on the processing of cases. Andhra Pradesh, on the other hand, in spite of a similar stay had continued with the processing, and so, immediately on its lifting, could show a distribution of over 1.24 lakh titles. Now that the Hon'ble High Court of Orissa, vide its order dated 12th August, 2009, has since vacated its interim order dated 23rd August, 2008, passed in WP(C) No.4933 of 2008, it is expected that the State Government would take immediate steps for distributing all the titles approved by the District Level Committee, and indeed all the eligible claims.

2. An officer of this Ministry, Shri Anup Srivastava, Director, had been to Orissa on 4th/5th September, 2009, and had interacted with officers of the Tribal Welfare and Forest Departments. As per his report, it seems that the claims are being sent by the Palli Sabha to the Sub-Divisional Level Committee without verification of the area and Sub Divisional Level Committee is referring the claims back to the Palli Sabha for verification of the extent of area. It may be mentioned that the verification of the extent of the area should be done by the Forest Rights Committee after receipt of the claim and before presenting its findings on the nature and extent of the claim to the Palli Sabha for its consideration.

3. There is also a need for demarcation of forest land for which the rights have been claimed under the Act quickly. For this purpose, the State Government may adopt quicker methods. The PDA, being used in Madhya Pradesh, could be considered.

4. As you are aware, Her Excellency, the President of India in her joint address to the Parliament this year has emphasized the need to ensure the distribution of titles to all the eligible claimants under the Act by end of .

December, 2009. The State Government may, therefore, ensure that title deeds are distributed within the deadline.

Yours sincerely,

(G.B. Mukherji)

Shri Tarun Kanti Mishra,
Chief Secretary,
Government of Orissa,
Bhubaneswar.