

D.O.No.23011/24/2009-FRA

22nd September, 2009

Dear Shri

You are aware that I had accompanied Dr. Tushar A. Chaudhary, Minister of State for Tribal Affairs, to Assam to review the implementation of the Forest Rights Act in the context of "NIL" performance in the distribution of rights, even though the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006 was notified for implementation on 31st December, 2007, followed by Rules notified on 1st January, 2008. In the meeting held on 17th September, 2009, Smt. Pramila Rani Brahma, Minister in charge of Welfare of Plain Tribes & Backward Classes of the State Government; Shri Shyam Newra, Principal Secretary, Welfare of Plain Tribes & Backward Classes Department; Shri B.B. Hagjer, Commissioner-cum-Secretary, Environment & Forest Department and other concerned officers of the State Government were present.

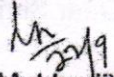
2. It was quite apparent in the meeting that the main reason for the non-performance of Assam in the implementation of the Forest Rights Act was on account of the reluctance of the Forest Department to facilitate its implementation. In contrast, in other States where the progress has been impressive, the Forest and Revenue Departments have played a lead role. Forest officers in Assam appeared to be unaware of the provisions of the Act, and I believe, this was because of a lack of effort by the Tribal Welfare Department in conducting training programmes even though these were repeatedly emphasized in all the four meetings held at New Delhi wherein Assam was represented.

3. The silver lining, however, was the interest shown by the present Secretaries of Welfare of Plain Tribes & Backward Classes and the Forest & Environment Departments in showing results by December 2009, the deadline set by Her Excellency, the President of India. Indeed, Shri B.B. Hagjer agreed that at least 56,000 beneficiaries presently living in 499 forest villages can straightaway be given rights based on documentary evidence available. While other traditional forest dwellers might find it difficult to fulfil the eligibility criteria, there should be no problem for the Scheduled Tribes. During

my short tour, I found the families living under the Toungia Village Scheme of Assam could also be easily covered as they have documents from 1968.

4. My sincere request to you, and while making this request, I am reflecting the disappointment of the Minister of State, is to now push for a substantial progress in the implementation of the Act as per the strategy decided.

Yours sincerely,



(G.B. Mukherji)

Shri P.C. Sarma,
Chief Secretary,
Government of Assam,
Dispur, Guwahati.

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
Shri Vijay Sharma, Secretary, Ministry of Environment & Forests, Paryavaran Bhawan, New Delhi. We would appreciate if a directive is issued from you to the PCCF of Assam, not to obstruct the implementation of the Forest Rights Act but to facilitate the same as has been done by most States of Central India. It was disappointing to note that the forest officials of the State Government with whom we came into contact were **clueless** as to the provisions of the Forest Rights Act. The Tribal Welfare Department of the State Government appeared to have failed to interact appropriately with the Forest Department and take them along in the implementation process.


(G.B. Mukherji)
Secretary (TA)

Copy to

- (1) Cabinet Secretary, Rashtrapati Bhawan, New Delhi
- (2) Secretary to the Prime Minister, Prime Minister's Office, South Block, New Delhi.

May kindly see my findings in para 2. In many areas, the ground situation is adverse and during our tour, even though MOS had been scheduled to distribute 100 rights, the function had to be cancelled due to adverse law and order situation.


(G.B. Mukherji)
Secretary (TA)

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