

F. No.23011/14/2008-FRA (Vol.II)

Government of India
Ministry of Tribal Affairs

August Kranti Bhawan, New Delhi
Dated: 12th September, 2014

To
The Principal Secretaries/Secretaries
(All LWE States)

Subject : Review of high rate of rejections of FRA claims in Left Wing Extremism
(LWE) affected areas – Issues regarding.

Sir,

I am directed to say that the Cabinet Secretariat in their review group meeting held on 7.3.2014 delved on the issue of Left Wing Extremism (LWE) and also on the high rate of rejection of FRA claims in the LWE affected areas and had desired that the matter be looked into. Accordingly, a brief study was commissioned under the Ministry of Tribal Affairs (MoTA) – UNDP Project to study the reasons of high rate of rejections in the LWE areas. The Ministry is now in receipt of the study report. Apart from the study this Ministry had also undertaken consultations on FRA implementation in the LWE affected States and the major causes identified on the issue from time to time are summarized as follows:-

- The rejection rate of Other Traditional Forest Dwellers are higher than the Forest dwelling STs. This is due to wrong interpretation of provisions that the OTFDs had to prove 75 years of possession over the claimed land where as the OTFD have to prove 75 years of residence in that area.
- Appropriate procedure for filing were not followed due to lack of awareness at the Gram Sabha level. Documentary evidences were not available with the claimants. The officials/frontline functionaries were unable to undertake wide awareness campaign and capacity building programmes on FRA due to security threat.
- Joint verification process has often not been appropriate due to lack of coordination between the Revenue and Forest department.
- Some other reasons such as non-possession of the land claimed, possession after 13th December 2005, claims on land recorded as revenue land and lack of evidence in support of the claim etc. hinder processing of claims. Also, duplicate claims lead to the inflated number of claims received and the number of rejections.
- The reasons for rejection has not been communicated to the claimants and thus the claimants have not been able to appeal.

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- The community rights and specially CFR claims in these areas have also been rejected and in many instances have been awarded to VSS/JFM committees which are not in accordance with the FRA procedures. In a number of instance it has been found that Forest department has objected to CFR claims and resultantly it has been rejected.

2. In view of the above it is requested that appropriate steps be taken to review the wrongly rejected claims. Special measures may also please be taken for proper implementation of FRA in LWE affected areas. The major actionable steps towards this end may be on the following lines:-

- The States and the District Collectors are to take proactive steps to mobilise maximum number of claims from the LWE affected States and issue directives and guidelines for the front line staff to address the local issues and challenges for better implementation of FRA on the ground.
- A kit of standardized stationery like copies of Act and Rules in local language, important circulars, forms, maps, sample verification report, land categories checklist should be made available at the Gram Sabha level. Similarly, a kit for implementing officials should also be provided.
- The capacity of ground level functionaries of the government needs to be augmented on important provisions and procedures of FRA.
- A time bound programme of capacity building of FRC and PRI members on FRA and its implementation process should be taken up.
- Regular monitoring through video conference by SLMC/ Chief Secretary with district collectors and sub-division level implementing officials would yield results, as in case of Odisha and Chhattisgarh.
- States need to send data to MOTA clearly mentioning LWE district-wise status on rejection along with reasons for monitoring and review. This would help in reviewing the wrongly rejected claims.
- For Dali plots and Eksali leases in Maharashtra, the rights need to be recognised as it is part of pre-existing rights of the communities.
- Claims to JFM areas under CFR (Form C) by VSS and grant of titles to VSS are not permissible under FRA.

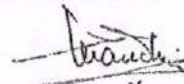
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The process should not just end with recognition of rights, the record of rights (ROR) have to be created in the revenue code of law as well.

The reasons for rejection of claim must be communicated to the claimant in writing and claimant should be given a chance of appeal.

This Ministry may kindly be apprised of action taken in the matter.

Yours faithfully,



(Roopak Chaudhuri)

Deputy Secretary to the Government of India

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