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GOVERNMENT OF ORISSA
ST & SC DEVELOPMENT DEPARTMENT

No. 36638 / SSD
T.D. – II – 32 / 2008

Dated, the 6th October, 2009.

From

Sri S.P. Nanda, IAS,
Development Commissioner and Addl. Chief Secretary,
Government of Orissa,
Bhubaneswar – 751001.

To

All Collectors / RDCs.

Sub.: Distribution of certificates of titles under the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 & Rules framed there under.

Madam / Sir,

Please refer to letter no. 6182 / SSD, dt. 15.02.2008 of ST & SC Development Department and D.O. Letter No. 36829 dt. 20.10.2008, Letter No. 6061 dt. 04.02.2009, D.O. Letter no. 30408 dt. 31.08.2009 of Chief Secretary and Chief Development Commissioner's regarding proper implementation of the provisions of the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 & Rules framed there under.

2. You were requested in the D.O. Letter no. 30408 dt. 31.08.2009 of Chief Secretary and Chief Development Commissioner to take expeditious steps to issue certificates of titles to the eligible ST and other traditional forest dwellers under the aforesaid Act by **15.09.2009**. In the last joint review taken by ST & SC Development Department along with Revenue & D.M. and Forest and Environment Departments on 24.09.2009, it was found that only 21,537 number of certificates of titles have been distributed in the State against 44,854 claims approved by the DLCs. There was no distribution of certificate of titles in 9(nine) districts of Central Division, Subarnapur in

Northern Division and Boudh, Kandhamal, Nuapada in Southern Division. This is a sorry state of affairs. **I would urge upon RDCs to review the performance of those districts, where the performance was nil and other poorly performing districts, where the performance was nil and other poorly performing districts in their Division and take appropriate remedial action under intimation to Government.**

3. It is surprising to note that as against 3,954 numbers of claims approved by DLCs of Central Division, only 28 title deeds have been distributed. Similarly out of 11,465 claims approved by DLCs of Northern Zone, only 3838 title deeds have been distributed. Against 29,435 claims approved by the DLCs of Southern Division, 9085 title deeds have been distributed. **This is unacceptable. I would urge upon RDCs and Collectors to ensure distribution of certificates of titles in all cases approved by DLCs by 15.10.2009. It would be viewed very seriously otherwise.**

4. Further the gap between the claims approved by the Palli Sabhas, claims approved by SDLCs and claims approved by DLCs are huge; I would request all Collectors to analyse the reasons for this and take pro-active steps for ensuring that this gap is reduced.

5. Chief Secretary at Para-3 of his Letter no. 6061 dated 04.02.2009 had advised all Collectors that case records have to be maintained at the level of Palli Sabha, SDLC & DLC and all proceedings must be recorded. He had also advised at Para-4 of the above letter against routine verification of claims after the Gram Sabha has passed a resolution on forest rights as per Section 4 (1) (c). It appears that this has not been followed in many districts and case records are being built at different levels, at the last stage after approval by DLCs. It has also been observed that Sub-Collectors as Chairman of SDLC and Collectors as Chairman of DLCs are referring the cases to the Tahasildars and DFOs in a routine manner causing further delay in the processing of cases.

6. It is requested that you ensure distribution of certificates of titles in all cases approved by DLCs and also ensure all pending cases referred to the DLCs and pending at the level of SDLCs are processed expeditiously and certificates of titles are distributed.

The provisional certificates of titles should be prepared in good paper in five copies, one for retention in the District, one for Sub-Division, one for Tahasil, one for D.F.O. and the last one for individual as per the guidelines mentioned in the Act. The title deeds should be compared and signed before distribution by the issuing authority.

7. For the implementation of the Act / Rules, PA, ITDAs / Project Director, DRDAs (in non-TSP areas) have been authorized to spend money from Article – 275 (1) of the Constitution for specified purposes towards engagement of contractual R.I., Amin, Data Entry Operators and awareness generation, writing of pattas, printing, photo copying and contingencies etc.

8. The certificate of titles should be distributed preferably at the G.P. headquarters in the presence of the local people representatives (M.P., M.L.A., Chairman, Zilla Parishad / Panchayat Samiti) wherever possible so that no beneficiaries would come to the District / Sub-Division or Block Headquarters incurring unnecessary expenditure.

9. I would urge upon you to take all possible steps to ensure the distribution certificates of title in a mission mode and distribute the same to the beneficiaries by **15th October, 2009** and upload correct data by engagement of Data Entry Operators as required with the help of DIO, NIC.

Yours faithfully,

Development Commissioner and Addl. Chief Secretary