

Letter to Secretary, MoTA by Chairperson of Joint Committee

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Subject: [fracommittee] Maharashtra
Date: Mon, 21 Jun 2010 14:56:00 +0530
From: Naresh Saxena <naresh.saxena@gmail.com>
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CC: fracommittee@yahoogroups.com

Dear Sri Mukherji,

I would like to request your urgent action on two matters related to implementation of the Act in Maharashtra.

It has come to our notice that the Maharashtra's State Level Monitoring Committee in its 8th April 2010 meeting, has decided to issue instructions to finish the process by end of May (reportedly later extended to end of June).

At a public consultation held on 12th June in Pune by the Committee in Pune, several groups and communities put forward concrete evidence of the distortions that are taking place due to this hurried process. These include inadequate and faulty verifications, reliance on forest department for records while ignoring evidence provided by claimants, poor coverage of many communities especially nomadic groups, primitive tribal groups and 'remote' villages where the process has hardly begun or where people are not able to easily obtain evidence, and so on.

Additionally, it has come to our notice that the Maharashtra SLMC has decided to do away with the need for measurements during the process of making claims, and to do measurements only after disposing of the claims. It appears that this has been done to reduce delays in handling claims. However, this is likely to lead to widespread confusion on the ground, and to possible conflicts amongst claimants or between claimants and the government. It is not even clear how claims can be decided on without first undertaking measurements. This issue was raised in the last meeting of the Committee, where Dr Bachitter Singh was present.

The Committee is of the view that

- (a) the FRA process, given its complexities and the widespread lack of understanding and capacity in all sections of society regarding its meaningful implementation, should be given due time and not be hurried through. It must be an ongoing process, allowing all eligible claimants full possibilities of obtaining their rights, both individual and community.
- (b) land measurements must accompany the claims process, using available information and technologies, with the full participation of the claimants.

We request you to kindly write to the Maharashtra government to withdraw the June deadline for completion of the process, and to instruct that land measurements be carried out as part of the claims process before disposing of the claims.

A copy of your circular may please be sent to the committee too.

warm regards,
NC Saxena
Chair