

GOVERNMENT OF ODISHA
ST & SC DEVELOPMENT DEPARTMENT

No. 36214 /SSD Dated, Bhubaneswar the, 24-12-2012
TD-II (FRA) 30/2012

From,

Sri S.N.Mishra, OWS
Asst. Director (H.qrs.)

To

The Collector,
Nayagarh.

Sub:- Forwarding of Allegation/ Petition of Sri Ganga Behera & others of Kapatapalli Panchayat of Nuagaon Block under Nayagarh District regarding implementation of Forest Rights Act, 2006.

Sir,

I am directed to enclose copy of Allegation/ Petition of Sri Ganga Behera & others of Kapatapalli Panchayat of Nuagaon Block under Nayagarh District regarding implementation of Forest Rights Act, 2006.

It is therefore, requested to look into the matter and a factual report along with action taken may please be furnished to this Deptt. at an early date.

Yours faithfully,

24.12.12

Asst. Director (H.qrs.)

Memo No. 36215 SSD/ Dt. 24-12-2012

Copy forwarded to the DWO, Nayagarh for information and necessary action. He is requested to furnish a factual report along with action taken to this Deptt. under intimation to the Collector.

24.12.12

Asst. Director (H.qrs.)

Date.26/11/2012

To
The commissioner cum Secretary ST and SC development Dept.
Govt of Odisha Bhubaneswar.

Subject: Regarding alienation of tribal lands and common lands forcefully doing plantation and encroachment and recognition of community Forest Rights.

Dear Sir

We the undersigned 38 villagers of Nuagaon Block of Nayagarh District bring to your kind attention of the apathetic situation created for alienating our individual as well as common land upon which we have been critically depending for our livelihood.

1. That we the permanent residents of Kapatapalli GP of the said block would state that the Non-tribal people from village Gumi, Bahadjhola and Bhaliadih of Nuagaon block and individuals from bordering Ganjam district have taken away our land and recorded in their name through allurements and fraudulent means. Those non-tribal people have been doing massive cashew plantation and earning huge money from our land. Despite having protective legislation to protect tribal lands and common property resources how the records of those lands are changed in the non-tribal. The some information relating to individual lands are annexure herewith .

Since Nuagaon Block is a MADA area drawing special attention for the poor tribals, the issue of land is most critical for the livelihood of our poor tribals special care should be given to resolve these longstanding gradual alienation of our land and common resources (CPRs).

This is in gross violation of section 22, 23 & 23A of Odisha Land Reforms Act 1960 which says that "any transfer of a holding or part thereof by a raiyat, belonging to a ST shall be void except unless-(a) a person belonging to a ST or (b) a prior permission is taken in writing for such transfer from Revenue Officer in case of non-ST". We also are not aware about the process of which lands have been alienated.

We pray for necessary investigation to reveal the facts and appropriate measures to restore the land and livelihood of our poor tribals.

2. That we have been cultivating over the lands, since our forefathers time, classified as forests in the previous (Sabik) settlement held in 1962 (Under the then Puri district). Such situation is prevalent in almost all the villages. We were collecting the forest produces available in those lands, which in the subsequent,

period converted cashew field through plantation by Revenue Dept, which deprived the community from access and collection of forest produces they were collecting traditionally. The cashew field has been auctioned by Cashew Development Authority to powerful vested interests; ignoring the stake and dependency of the poor villagers. Presently, we have applied for Community Forest Rights under "the Scheduled Tribes and Other Traditional Forest Dwellers (recognition of Forest Rights) Act 2006" in all the villages. Therefore, we request the government to recognise and vest the community forest rights over those lands covered with cashew plantations and other forest resources under FRA.

3. That we were deriving our livelihood from grazing and agriculture over our village common lands since generations. Here the government did plantation of cashew and the officials assured us to enjoy the fruits by guarding and protecting them. However, in subsequent period cashew field was given lease to the outside business traders. So we the tribal tenants have been deprived from our traditional access to common resources and cashew field, which was assured to us during plantation.

As per the order of Honourable Supreme Court of India on dated January 28, 2011 Civil Appeal No .1132 /2011 @ SLP(C) No.3109/2011, common land cannot be settled against the influential individuals or vested interests except the most vulnerable ST, SC or other marginal families. The Court has directed to hand over the common lands to the Gram Sabha/ Gram Panchayat for safeguarding and managing them. However, such law has not been used so far in the ground.

We therefore, demand for handing over of the common property to the Gram Sabha as directed by the Hon. Supreme Court.

The above issues are not limited to the Nuagaon block rather widely prevalent in other tribal dominated places of Nayagarh district.

We therefore request you to take necessary and immediate action to restore and secure the individual landas well as common lands of the people.

Yours faithfully

Ganga Behera, Somanath Behera and other villagers of Kaptapalli Panchayat.

LAND DETAILS OF KAJU FOREST OF GHUDUKABARI VILLAGE

Name of the Mauja/revenue village-Gudukabari

Thana- Odagao Tana No- 50

Tahasil- Nuagao Tahasil No-152

District- Nayagarh

sl	HAL SETTLEMENT		SABAK SETTLEMENT, 1966		
	plot no	kissam	plot no	kissam	AREA
1	196	Taila-2(AJA)	279/318	AJA, taila2	
2	190	Taila-2(AJA)	280	melajungal	53 acres
3	98	Gharabari(Kalia Mukhi, S/O-Bhabana Muki)	222	gharabari	0.17 decimil
4	199	Taila-2(AJA)	280	melajungal	
5	200	Taila-2(AJA)	280	melajungal	
6	201	Taila-2(AJA)	280	melajungal	
7	202	Taila-2(AJA)	280	melajungal	
8	203	Taila-2(AJA)	280	melajungal	
9	204	Taila-2(AJA)	280	melajungal	
10	205	Taila-2(AJA)	281	melajungal	30.40 acres
11	206	Taila-2(AJA)	281	melajungal	
12	207	Taila-2(AJA)	281	melajungal	
13	208	Taila-2(AJA)	281	melajungal	
14	209	Taila-2(AJA)	281	melajungal	
15	210	Taila-2(AJA)	281	melajungal	
16	211	Taila-2(AJA)	281	melajungal	
17	212	Taila-2(AJA)	281	melajungal	
18	213	Taila-2(AJA)	2,81,303	mela1 patita	
19	214	Taila-2(AJA)	281	mela1 patita	
20	215	Taila-2(AJA)	281	mela1 patita	
21	216	Taila-2(AJA)	303	mela1 patita	
22	217	Taila-2(AJA)	303	mela1 patita	
23	218	Taila-2(AJA)	303	mela1 patita	
24	219	Taila-2(AJA)	303	mela1 patita	
25	220	Taila-2(AJA)	303	mela1 patita	
26	221	Taila-2(AJA)	307	mela1 patita	60.70 acres
27	222	Taila-2(AJA)	307	mela1 patita	
28	223	Taila-2(AJA)	307	mela1 patita	
29	224	Taila-2(AJA)	307	mela1 patita	
30	225	Taila-2(AJA)	307	mela1 patita	
31	226	Taila-2(AJA)	307	mela1 patita	
32	227	Taila-2(AJA)	307	mela1 patita	
33	228	Taila-2(AJA)	307	mela1 patita	
34	229	Taila-2(AJA)	307	mela1 patita	
35	230	Taila-2(AJA)	307	mela1 patita	
36	231	Taila-2(AJA)	307	mela1 patita	
37	232	Taila-2(AJA)	307	mela1 patita	
38	233	Taila-2(AJA)	307	mela1 patita	
39	234	Taila-2(AJA)	307	mela1 patita	
40	235	Taila-2(AJA)	307	mela1 patita	
41	236	Taila-2(AJA)	307	mela1 patita	
42	237	Taila-2(AJA)	307	mela1 patita	

LAND DETAILS OF KAJU FOREST OF KAPTAPALLI VILLAGE

Name of the Mauja/revenue village-Kapatapali

Thana- Odagao Tana No- 51

Tahasil- Nuagao Tahasil No-158

District- Nayagarh

sl	HAL SETTLEMENT		SABAK SETTLEMENT, 1962		
	plot no	kissam	plot no	kissam	AREA
1	618		25		
2	3	Taila-2(AJA)	25		
3	303	Patita(AJA)	224		
4	304	Unnata Yojana Yogya(Rakhit)	224		
5	305	Gochar (Rakhit)	224		
6	315	Patita(AJA)	241		
7					