

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

15th July, 2010.

Dear

This Ministry has been noticing that most States have been showing a higher percentage of rejection over acceptance of claims under the Forest Rights Act. This fact has also been pointed out by various civil society organisations. Admittedly, while processing of claims is a quasi-judicial exercise, it becomes an item of worry when the rejections are of such high order.

2. When the Ministry of Tribal Affairs are asked the reasons for such high rejection by States, only generalized replies are possibly, based on the inputs received during conferences, workshops or from personal interactions. A time has, therefore, come when not only should we attempt to find out the categories/reasons for rejection by the Gram Sabha and at the Sub Divisional level, but therefrom also find out the ways of improving the quality of our otherwise considered excellent performance in the distribution of rights across the country.

3. Kindly, therefore, initiate an action immediately, on a statistically acceptable sampling basis, at the level of Gram Sabha and Sub Divisional level Committees for categorizing all rejections, with their numbers. We can suggest the following categories:

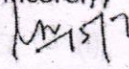
- a) Non-availability of written records;
- b) Non-availability of other criteria specified in Rule 13;
- c) Non-possession of forest land;
- d) Non-occupation on the date relevant to the Act;
- e) Multiple claimants;
- f) Doubtful tribal status.

You may like to add other criteria relevant to your State.

4. Kindly also include figures for other traditional forest dwellers (OTFD) separately from Scheduled Tribes in the above assessment.

5. The expenses for the survey can be met out of the grants under Article 275(1) proviso, as communicated to all States in early 2009. We hope that this exercise will be completed in three months and, thereafter, included in each monthly progress report.

Yours sincerely,


(G.B. Mukherji)

Chief Secretaries of Andhra Pradesh, Assam, Gujarat, Jharkhand,
Karnataka, Madhya Pradesh, Maharashtra, Orissa, Rajasthan, Tripura,
Uttar Pradesh and West Bengal.

Copy to Cabinet Secretary, Rashtrapati Bhawan, New Delhi for information;