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**IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION  
WRIT PETITION (CIVIL) NO. 109/ 2008**

**IN THE MATTER OF:**

WILDLIFE FIRST & ORS ...PETITIONER

VERSUS

UNION OF INDIA & ORS. ...RESPONDENTS

**AFFIDAVIT ON BEHALF OF RESPONDENT - STATE OF  
CHHATTISGARH IN COMPLAINE OF ORDER DATED  
28.02.2019 PASSED BY THIS HON'BLE COURT**

I, Sunil Kumar Kujur, S/o Late P. Kujur, aged 59 years, presently working as the Chief Secretary, Government of Chhattisgarh having office at Mantralaya, Mahanadi Bhawan, Nava Raipur, Atal Nagar, Raipur, District – Raipur, Chhattisgarh do hereby solemnly affirm and declare as under:

1. That the present affidavit is being filed in compliance of the order dated 28.02.2019 passed by this Hon'ble Court.

2. That this Hon'ble Court vide order dated 07.03.2018 was pleased to pass the order directing all States to file their affidavit indicating the following :-

- (i) The number of claims for the grant of the land under provision of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006;
- (ii) The claims should be divided into claims made by the Scheduled Tribes and separately by Other Traditional Forest Dwellers;
- (iii) The number of claims rejected by the state Government in respect of each categories;
- (iv) The extent of the land over which such claims were made and in respect of each of the two categories;
- (v) Action taken against those claimants whose claims have been rejected;
- (vi) The status of eviction of those claimants whose claims have been rejected and the total extent of area from which they have been evicted;

(vii) The extent of the area in respect of which eviction has not yet taken place in respect of rejected claims.

3. In compliance of order dated 07.03.2018, the State of Chhattisgarh filed its affidavit dated 11.04.2018 stating therein the number of claims received for grant of land under the provisions of Forest Rights Act till 31.12.2017, the number of applications rejected by the competent authority and other details. A copy of Affidavit dated 11.04.2018 is annexed herewith as **ANNEXURE R/1 (Pgs. \_\_\_ to \_\_\_)** for ready reference of this Hon`ble Court.
4. On 28.02.2019, it was pointed out before this Hon`ble Court that the State Governments have filed their data reflecting how many claims have been rejected and the eviction orders that have been passed but they have not stated the procedure adopted for rejection orders/claims of the tribals. It has not been placed on records as to who has rejected the claims and under which provision of law the eviction has to be made and who is the competent authority to pass such orders.

5. It was also submitted that in most of the matters, tribals have not been served with the orders of rejection of their claims and it is also not clear whether the “Three Tier Monitoring Committee” constituted under the Schedule Tribes and Other Traditional Forest Dweller (Recognition of Forest Rights) Act, 2006 (which will be referred herein after as “the Act, 2006 for brevity) and the Scheduled Tribes and Other Traditional Forest Dweller (Recognition of Forest Rights) Rules, 2007 (which will be referred herein after as “the Rules, 2007” for brevity) have supervised all these aspects.
6. In the fact and circumstances of the case this Hon`ble Court directed the Chief Secretary of the State Government(s) to file their detailed affidavit covering all the aforesaid aspects and also to place on record:-
  1. The rejection order;
  2. Details of the procedure followed for the settlement;
  3. What are the main ground on which the claims have been rejected;
  4. Whether the Tribals were given opportunity to adduce evidence;



5. And if yes, to what extent;
  6. Whether reasonable orders have been passed;
  7. The Category wise details of such incumbents who have been occupying these areas belonging to Scheduled Tribe Category and Other Traditional Forest Dwellers Category and such person who cannot be treated as Tribals;
  8. Place the orders on the record which have been passed;
  9. Course of action with respect to claims which have not been found to be genuine;
  10. What they are going to ultimately undertake and the time frame.
7. This Hon'ble Court has sought to know the procedure adopted for rejection of the claim of the Tribals.
- It is submitted that so far as the procedure relating to rejection of orders / claim of the Tribal is concerned, it is submitted that after submission of claims for individual forest rights at village level, the Forest Rights Committee(FRC) has to conduct spot verification in the presence of the claimants and has to examine the evidences/documents made available

by the Claimants in accordance with the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2007. Upon examination, the claims which are found appropriate or not appropriate is to be discussed in the meeting of Gram Sabha and the same are to be disposed off by the Gram Sabha by passing a resolution either recommending or not recommending such claims. And in case of non recommendation of the claim, the written intimation with reasons has to be provided to such claimants.

However, the answering Respondent submits that during verification, it was found that in many cases the intimation of rejection was not provided to the claimants whose claims were rejected/not recommended. Therefore, in such cases the due process has to be followed in accordance with Rules 2007 and Section 12A (3) of FR (Amendment) Rules 2012, so that all the eligible claimants are covered as per the established rules. It is submitted that the Respondent has taken the decision to review and reconsider all such cases in which the infirmities in compliance of the rules and procedure has been

found. The same has been elaborately explained in the content of the present affidavit.

8. This Hon'ble Court has sought to know about the competent authority which accepts/rejects the claims.

It is submitted that upon examination and field verification of claims by the FRC at the gram Sabha Level, in presence of claimants, it is the Gram Sabha which recommend/not recommend through its resolution and forward them to the Sub-Divisional Level Committee which again scrutinises the claims and either send back to the Gram Sabha if found incomplete or approve the claims and forward them to the District Level Committee for final decision. It is submitted that the District Level Committee is the final authority to issues title/rejects the claim.

9. It is evident from the facts mentioned in Para 7 of this affidavit that the process followed for rejection was not in accordance with the Forest Rights rules and hence in large number of cases due to in-appropriate process of rejection at Gram Sabha / SDLC / DLC level, the rejection orders passed in such cases have

become infructuous / null and void and thus may not be placed in category of rejection.

10. This Hon'ble Court has sought to know the provision under which the eviction is made and therefore it is submitted that there is no procedure of eviction in Forest Rights Act, 2006. The claims which were found to be non-eligible under this Act, the concerned department i.e. Forest Department and Revenue Department takes action for eviction under their relevant laws.
11. This Hon'ble Court has sought to know whether the rejection order was conveyed to the tribals.

It is respectfully submitted that, as stated hereinabove in para 7 of the present affidavit, it was found that in most of the cases written intimation/reasoned orders about rejection of the claim was not conveyed by the Gram Sabha to the claimants in writing and large number of such claims were not forwarded to SDLC to prefer a petition by the claimant under rule 14 of Rules, 2007.

12. This Hon'ble Court has sought to know whether the Three Tier Monitoring Committee had supervised the eviction procedure.

It is submitted that upon inspection it was found that there were lacunas and lapses in the supervision of Three Tier Monitoring Committee to keep a check and to keep effective supervision over the cases where the notices were not served to the claimants. Hence, the State Government has issued directions for review and reconsideration of all such cases.

13. This Hon'ble Court has sought the details of the procedure to be followed for eviction.

It is submitted that the procedure for eviction after the rejection order has been passed is as under:-

For eviction from the forest land, the competent officer is Divisional Forest Officer (DFO) who issues notice under Section 80 (A) of the Indian forest act 1927. The procedure to be followed is:

- (i) Notice is served under section 80(A) of Indian Forest act 1927 which includes the details of offence and action to be taken in this regard.

- (ii) If the occupier/offender wants to present his case/argument then, after inquiring into the matter and giving due opportunity to the offender in defence of his claim, the order is passed by the competent authority.
- (iii) Compliance of the order by the occupier/offender is produced by the Range Officer before the Divisional Forest Officer and accordingly appropriate action is taken.

In case of encroachment on Government Land entered in revenue records, the action is taken by the Revenue Department. As per Section 248 of Chhattisgarh Land Revenue Code, 1959, the Tehasildar of Revenue Department is the competent authority. It is submitted that under Chhattisgarh Land Revenue Code, 1959, in case of encroachment on Government land, the Halka Patwari after carrying out spot inspection in the presence of holder/encroacher & villagers and on the basis of govt. land records, prepares the inspection report and send it to the Tahsildar for further action. For removal of encroachment on Government land, the Tahsildar after receiving the inquiry report from the

Halka Patwari registers the case and issues notice to such encroacher and after giving due opportunity of hearing and on the basis of witness and evidence produced in the Court passes appropriate order.

However, it is submitted that all such cases previously rejected are under review. Therefore, issue of eviction does not arise.

14. This Hon'ble Court has directed the Respondent to place on record the rejection orders.

The Respondent submits that placing all rejection order(s) would unnecessarily burden this Hon'ble Court with huge volume of documents. Therefore, in order to ensure compliance of the order of this Hon'ble Court the respondent respectfully places on record a copy of one of the rejection order which has been passed and the same is annexed herewith and marked as **ANNEXURE R/2 (Pgs. \_\_\_\_ to \_\_\_\_)**.

It is further submitted that the State of Chhattisgarh has decided to review/reconsider all the cases including the claims of all such claimants which were rejected/not recommended and the aforesaid process shall be considered strictly as per the law.

15. This Hon'ble Court has sought to know the grounds of rejection. It is submitted that the main reasons for rejection of claims are as follows:

a. Where the claimant(s) occupied the forest land after the cut-off date i.e., 13.12.2005 as provided in the Act of 2006.

a. Lack of evidence to prove their residence and dependency on the forest or forests land for *bona fide* livelihood needs from last three generations/ 75 years in case OTFDs, as provided in the Act of 2006.

b. Where the same forest land is claimed by more than one claimant.

c. Where the claim is made on revenue land.

d. Where the claimant is not dependent on forest land for their livelihood.

e. Where the forest title has been issued earlier.

16. This Hon'ble Court has sought to know whether opportunity of leading evidence was provided to the Tribals.

It is submitted that the Tribals were given due opportunity to adduce evidence before the Forest



Right Committee during the spot verification and also in all such cases which were preferred in appeal before the SDLC and DLC. Notwithstanding the same, the Respondent would like to reiterate that all such decisions shall be reviewed and reconsidered as per the procedure established under the Act of 2006 and the rules contained therein.

17. Since in many cases it has been noted that the procedure under the Act of 2006 and the Rules contained therein were not duly followed, therefore the Respondent has decided to review all the cases irrespective of the fact, whether reasoned order(s) were passed or not.

**STEPS UNDERTAKEN BY THE STATE OF CHHATTISGARH**

18. That the State of Chhattisgarh vide its circular No./F-10-11/2007/25-2 Raipur dated 24.01.2019 issued guidelines to all the Collectors (except Raipur, Durg and Bemetra) of the State of Chhattisgarh for implementation of the Act, 2006 and the Rules 2007 as amended in 2012. The said guideline reads as under:—

“(2) All the eligible Forest Dwellers who have been holding/occupying forest land for livelihood, agriculture and allied activities prior to 13.12.2005 are to be vested with forest Right Deeds with the assistance of the staff of Revenue as well as Forest Departments available at village level. Therefore, it may be ensured that such forest dwellers who, despite having eligibility, have not been vested with Individual Forest Rights Deeds so far, are provided claim related applications in formats “A” “B” and “C” free of cost at each Panchayat Levels for distribution of such deeds as per rules at the earliest.

(3) In the event of Forest Rights Committees have not been duly constituted at the Gram Sabha Levels as per Rule 3, it may be ensured that such committees, with not less than ten but not exceeding fifteen persons as members, are constituted. It is also necessary to re-activate these Forest Rights Committees.

(4) Entire process for the verification of claims by Forest Rights Committees have been laid down in Rule 12A(1) to (11) and as such process of verification of new claims be duly disposed off.

(5) It is worth mentioning that each evidence for determination of Forest Rights as enumerated in Rule 13 is equally important and the committees shall not stress on any specific evidence for determination of considering claims.

(6) Section 2(o) of the Forest Rights Act 2006, which defines “Other Traditional Forest Dwellers” also makes it clear that “Other Traditional Forest Dwellers” means any member or community who has for at least from three generations prior to the 13<sup>th</sup> day of December, 2005 primarily resided in and who depend on the forest or forest land for bona fide livelihood needs”, which has been again clarified in Section 4(3) that ‘Other traditional Forest Dwellers had occupied forest land before the 13<sup>th</sup> day of December, 2005. Therefore, recognition and vesting of forest rights to other traditional forest dweller cannot be based on fact on records of their holding forest land for three generations (75 years). Such claims be determined taking into consideration fact of their holding forest land before the 13<sup>th</sup> day of December, 2005, evidences of their residing and depending on forest land for bona fide livelihood activities for three generations.

(7) On reviewing Forest Right Deeds, it has come to the notice that rejection of claims have mainly been done at Gram Sabha levels. The Sub Divisional Level and District Level Committees have also rejected claims. Rule 12A (3) provides that reasons for rejection of claims be communicated in person to the claimant to enable him to prefer a petition to the Sub Divisional Committees. Rule 12 A (10) also provides for intimation of reason(s) of rejection of claims. It has however been noted that claimants have not been provided reasons for rejection following due process. Therefore, it is directed that such cases which have been rejected without due intimation earlier, be treated under process and reviewed at Gram Sabha level and disposed off accordingly and claimants be assisted in filing claims. Claims may be disposed off as per Rule 14 and Rule 15, duly providing reasons for rejection of claims.

(8) In the event of a claimant submitting a fresh application for the same land which has been considered to be settled earlier, such application may be considered and appeal and process of settling the claim may be initiated.

## (9) Community Forest Rights Deed

- 9.1 The Forest Rights Committee shall on behalf of the Gram Sabha, receive applications for community forest rights in Form "B" and Form "C" as per Rule 11(4).
- 9.2 Community forest rights have been defined in sub-section "b" to sub-section "e" of Section 3(1) of the Act specified therein. The District Level Committee has to, under provision of Rule 12(B), facilitate each Gram Sabha in submitting claims.
- 9.3 It has been noticed that the local communities or members of Forest Rights Committees do not *suo-motu* facilitate submitting claims for community forest rights. Considering this, concerned departments need to fix responsibility at district level to initiate and review the process of submitting claims at each Gram Panchayat level.
- 9.4 After ensuring distribution of community forest rights at each Gram Panchayat, the

District Level Committee shall, in matters of such villages where no community forest rights been distributed, after reviewing ensure that reasons for the same are recorded.”

True translated copy of the Circular dated 24.01.2019 issued by the State of Chhattisgarh is annexed as **ANNEXURE R/3 (Pgs.\_\_\_\_to\_\_\_\_)**

19. For implementation of the provisions of the Act, 2006 and the Rules, 2007, a State Level Workshop was organised by the State of Chhattisgarh on 23.01.2019. During discussion in the workshop, it was noticed that due to lack of proper information with regard to provisions of the Act at village level, applications have been rejected in large numbers. Keeping this fact in view, the State of Chhattisgarh issued a circular on 14.02.2019 directing all the Collectors as under :-

“1. A workshop of district level officers of all departments concerned with the implementation of the Act be held in all districts. Concerned non-governmental organisations also be included in the said workshop.

Officers and people's representatives of district level and Janpad levels also be included in the said workshop and they be made aware of various provisions of the Act.

As mentioned above, residents at village level have to be sensitised about the provisions of the Act and for the said purpose minimum 10 Master Trainers/ Development Officers be trained at each development blocks.

General public be made aware of the legal provisions of the Act through these Master Trainers/Development Officers by organising Gram Sabhas at Village Panchayat levels.

Detailed discussions be held at villages on the lines of discussions held at District level, so that new applicants can submit their claims.”

True translated copy of Circular dated 14.02.2019 issued by the State of Chhattisgarh is annexed here with as **ANNEXURE R/4 (Pgs. \_\_\_\_\_ to \_\_\_\_\_)**.

20. On 25.02.2019, on the basis of discussion made in workshop dated 23.01.2019 regarding problem at Gram Sabha, Circular No.3 bearing no./F-10-

11/2007/25-2/2019 has been issued by the State Government directing all the collectors as under:-

“Rule 5 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2007 has provisions for the constitution of Sub Divisional Level Committees and Rule 7 provides for the constitution of District Level Committees.

Most of the office bearers and member of the earlier constituted committees have currently changed and it is necessary for the new members having detailed knowledge of the provisions of the Act for the effective implementation of the Act. Circular No.2 of this office directs for the sensitisation at District, Janpad and Village levels, and it has also been directed that minimum 10 Master Trainers/Development Officers be trained at each development blocks, So that Gram Sabhas be sensitised as when and where necessary regarding the provisions of the Act/Rules. It is worth mentioning here that under provisions of Rule 4(3), the State Level Office bearers shall provide necessary assistance to Gram Sabhas. Therefore, it is directed



that each Development Block Officer be trained in this regard and they be specially made aware regarding these provisions.

It should also be ensured that in case of "Forest Rights" before hearing in Gram Sabha, members of the committee should be made aware properly regarding the provisions of the Act and Rules and only after that hearing of the cases can be done.

It is also brought to the notice that many cases are not recommended by Gram Sabha without proper examination/scrutiny and for that reason very large number of applications are rejected. Here it is pertinent to mention that the cases liable to be rejected/not recommended, in such cases the reasons of rejections/non recommendation may be recorded and communicated to Sub Divisional Level Committee."

True translated copy of the Circular No./F-10-11/2007/25-2/2019 dated 25.02.2019 issued by the State of Chhattisgarh is annexed as **ANNEXURE R/5** (**Pgs.     to**).

21. That, in compliance of order dated 28.02.2019 of this Hon`ble Court, the State of Chhattisgarh issued a

circular dated 19.03.2019 bearing No./F-10-11/2007/25-2 directing all the Collectors to send specific information as directed by this Hon`ble Court. In this circular, it is also mentioned that while sending the information the earlier issued circulars no.1, 2 and 3 be also considered based on the feedback received during the workshop and on the basis of information provided by the different districts. The details of the directive in the said circular reads as under:–

1. How many claims have been received after enforcement of the Act, 2006. Their name wise details with (recommended or non recommended) should be compiled in the attached format.
2. It is worth mentioning that the right of rejection vest in the district level committee, therefore recommendations of the committee constituted at Gram Sabha or Sub Division Level would be mentioned.
3. Earlier 50% cases were reported as rejected. Therefore, review all the so called rejected cases. The rejected cases at Gram Sabha/Sub Division Level may be sent with a note to the district level.

4. Reasons should be provided in the cases not recommended at Gram Sabha level and presented through Sub Divisional Level committee.
5. Similarly, the cases not recommended at sub division level and district level should be reviewed.
6. In those claims which are being rejected what process has been adopted for rejection of such claims? The reasons of rejection of such claims should also be clarified?
7. If such claimants have not been informed then they should be intimated that in cases which are not recommended, they have been given opportunity to produce evidence or not.
8. Earlier in some cases information regarding eviction has been provided and information regarding this was given in the Honourable Supreme court, last year. What process has been adopted for eviction or under which legal provisions eviction has been made, be informed?

True translated copy of the Circular No./F-10-11/2007/25-2 dated 19.03.2019 issued by the

State of Chhattisgarh is annexed as **ANNEXURE**  
**R/6 (Pgs.        to        )**.

22. That, the State Government on 6/6/2019 issued another circular for implementation of Act and Rules which reads as under:-

1. Constitution of Gram Sabha at village, Mohalla, Majra, Tolas, Padas Level. According to Rule (2A) (a) of Rule, 2007 (as amended in 2012) "Every Panchayat, within its boundaries, prepares a list of group of hamlets on habitations unrecorded or un-surveyed settlements or forest villages or Taungya villages, formally not part of any revenue or forest village record and have this list passed by convening Gram Sabha of each Hamlet or habitation included as villages for the purpose of the Act through a resolution in the Panchayat and submit such list to Sub Division Level Committee".

According to Section 2(g) of the Act, 2006 which reads as under:-

"2 (g) Gram Sabha means a village assembly which shall consist of all adult members of a village and in case of states having no Panchayats, Padas, Tolas, and other traditional village institutions and elected

village committees, with full and unrestricted participation of women”.

According to Section 2 (p) of the Act, 2006 village means:-

- (i) A village referred to in clause (b) of Section 4 of the Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996; or
- (ii) Any area referred to as a village in any state law relation to Panchayats other than the Scheduled Areas; or
- (iii) Forest villages, old habitation or settlements and un-surveyed villages, whether notified as village or not; or

Therefore, traditionally known villages and Gram Sabha should be constituted and for this process the action should be taken in accordance with Rule 3, 4 and 5 of Chhattisgarh Scheduled Areas Gram Sabha (Constitution, Procedure of Meeting and Conduct of Business) Rules, 1998 under which, in a village, more than one Gram Sabha may be constituted. It will include:-

A. Village or group of villages

B. Hamlet or group of Hamlets including Mohalla, Majra, Tolas, Padas etc.

C. Habitation or group of habitations in which the community manages its affairs according to tradition and customs.

During the process, it should be noted that constitution of new village and village assemblies should be done only after discussion with suitable stakeholders accordingly constituted new village and village assembly shall be recognised for all village assembly meeting in the future.

2. Reconstitution of Forest Rights Committees: By organising meeting of Gram Sabha constituted at each village Mohalla, Majra, Tolas, Padas level, the Forest Rights Committee should be constituted by the Gram Sabha. At the time of constitution care should be taken that:-

(i) There shall be not less than ten but not exceeding fifteen persons as members of Forest Rights Committee.

(ii) At least two third members shall be Scheduled Tribes. Care should be taken that representation of PVTG, pre agriculture

communities, nomadic or pastoralist communities also be there in Forest Rights Committee if they reside in the village.

- (iii) Not less than one-third of such member shall be women.

After reconstitution of Forest Rights Committee, the cases approved, partially approved and recommended for rejection by the Gram sabha and sub division committee and approved, partially approved and rejected by district level committee all such cases may be send to Gram Sabha for verification and reconsideration and according to the recommendation of the Gram Sabha such cases may be disposed off by Sub Divisional Level Committee and district level committee. True translated copy of the Circular dated 06.06.2019 bearing No. F-10-11/2007/25-2 part issued by the State of Chhattisgarh is annexed as **ANNEXURE R/7** (**Pgs. to**).

23. The State Government vide order dated 25.06.2019 bearing no./F-10-11/2007/25-2/IV has constituted District Level Committee under rule, 7 to perform the

functions mentioned in rule, 8 and other rules of the rules, 2007. The committee consists of the following members:-

(a) District Collector – Chairman

(b) Divisional Forest Officer (General) – Member

(c) Three Members of Zila Panchayat (this would be nominated under rule 7-C by Zila Panchayat)

(d) Assistant Commissioner, Tribal Development– Member.

True translated copy of the Order dated 25.06.2019 bearing No./F-11/2007/25-2/IV issued by the State of Chhattisgarh is annexed as **ANNEXURE R/8 (Pgs.        to        )**.

24. The State Government by another order dated 25.06.2019 bearing no./F-10-11/2007/25-2/IV has constituted Sub Division Level Committee under Rule 7 to perform the functions mentioned in Rule 6 and other Rules of the Rule, 2007. The committee consists of the following members:-

a. Sub Divisional Officer (Revenue) – Chairman

b. Sub Divisional Officer (Forest) – Member



c. Three Janpad Members of Janpad Panchayats cum under jurisdiction of this sub division (These will be nominated under rule 5-c by Zila Panchayat. – Member

d. (i) Chief Executive Officer (Janpad Panchayat) of the head quarter of the sub division situated in scheduled area – Member

(ii) In Other sub divisions, the officer nominated by Assistant Commissioner, Tribal Development – Member

True translated copy of the Order dated 25.06.2019 bearing No./F-11/2007/25-2/IV issued by the State of Chhattisgarh is annexed as **ANNEXURE R/9 (Pgs. to )**.

25. Since the State Government had reached to the conclusion that large number of applications have been rejected without proper examination, therefore state government has decided that after reconstitution of Forest Right Committee the cases which have been recommended by Gram Sabha and Sub Divisional Level Committee for acceptance, partial acceptance and rejection and have been accepted partially accepted and rejected by the

District Level Committee be remanded to the Gram Sabha for verification and review and the matter be decided at Sub Division Level Committee and District Level Committee as per the recommendation of Gram Sabha. The direction was also issued to re-organise the Gram Sabha and Forest Rights Committee by 30.06.2019.

26. That at present the State Government has directed to decide afresh all the claims received under the Act, 2006 at the Gram Sabha Level for recommendation to Sub Divisional Level and thereafter at District Level so that all the claims can be decided strictly in accordance with provisions of the Act, 2006 and the Rules, 2007. The detailed guidelines have already been issued by the State of Chhattisgarh to all the Collectors of the district vide its circular dated 22.01.2019, 14.02.2019, 25.02.2019 and 06.06.2019
- The State Government has also decided that while reconsidering the claims received under the Act, 2006, the claims which have been rejected will be given top priority and this will be considered in the first phase. In this context, the direction issued in Para no.-4 of Circular No.F-10-11/2007/25-2 part

dated 06 June 2019 is available for perusal of this Hon'ble Court.

27. That State Government is taking entire exercise afresh and has re-constituted the Forest Rights Committee, Sub Divisional Level Committee and District Level Committee under the Act, 2006 read with Rules, 2007 and after re-examining the entire claims, the exact figure would come about the category wise details of such incumbents who have occupying this areas belonging to Scheduled Tribe and Other Traditional Forest Dwellers Category and such persons who cannot be treated as tribals. So for as State Government is concern at present there is no report from District that any land is being occupied by the persons who cannot be treated as tribals.
28. In addition to the submissions made hereinabove, it is relevant to highlight that the State of Chhattisgarh has, as a matter of policy decisions, decided to review/reconsider the decisions/orders/resolutions by which the IFR claims of the claimants were rejected.

29. That the State Government would try its level best to complete entire exercise of reviewing / reconsidering all the applications / claims receive under the Act, 2006 within a period of two years.
30. It is submitted that the State of Chhattisgarh is fully committed towards its obligation to protect and preserve the rights of the Tribal`s and it shall take all measures to ensure that the rights of the Forest Dwellers are duly preserved and protected and that no encroachment or illegal trespassing is carried out in forest land. The answering Respondent shall undertake all steps in ensuring the effective implementation of the Act, 2006 and the Rules, 2007 contained therein, in its true, letter and spirit.
31. That, the submissions made hereinabove are based on the official records and the same is placed before this Hon`ble Court for its kind consideration.
32. That, the answering Respondent craves leave of this Hon`ble Court to file additional affidavit if so directed by this Hon`ble Court or with the prior permission of this Court.

33. That, the answering Respondent undertakes to comply with the order(s) passed by this Hon'ble Court.

**DEPONENT**

**VERIFICATION**

Verified at Raipur on this            day of July, 2019 that the contents of my above affidavit are true and correct to my knowledge and is derived from the records. No part of the same is false and nothing material has been concealed.

**DEPONENT**