

**Review of disputed claims over forest land, arising out of forest settlement.**

It has been brought to the notice of this Ministry that local inhabitants, living in and around forest areas, have preferred claims on certain notified forest lands contending that they were in occupation of such area prior to the initiation of forest settlements and/or their right were not enquired and/or title on such lands should be conferred on them. It is being generally felt that even bonafide claims are persistently overlooked causing wide-spread discontentment among the aggrieved persons. Such instances ultimately erode the credibility of the Forest Administration and sanctity of the forest laws, especially in the tracts inhabited by tribals.

2. Seized of its complexities, the issue regarding disputed claims over forest land was not got critically examined by this Ministry through an inter-Ministerial Committee. The Committee, after prolonged deliberations and due consultations with representatives of some of the States, stressed the need to resolve such disputes with utmost urgency and suggested the feasible course of action to redress genuine grievances without jeopardising protection of forests and forest land. Keeping in view the recommendations of the said Committee and with due approval of the competent authority, the following course of action is suggested for amicably resolving disputed claims on forest land.

2.1 The State Government/UT Administration should review the cases of disputed claims over forest land and identify the following three categories of claims :-

- (a) Claims in respect of forest areas notified as deemed Reserved Forests without observing the due process of settlement as provided in Forest Acts Provided that these pertain to:-
  - (i) tribal areas; or affect a wide cross section of rural poor in non-tribal areas; and
  - (ii) the claimants are in possession of the 'disputed Land'.
- (b) Claims in tribal areas wherever there is prima facie evidence that the process of forest settlement has been vitiated by incomplete or incorrect records/ maps or lack of information to the affected persons, as prescribed by law, provided that
  - (i) Such forest settlement pertains to a period after 1947; and
  - (ii) The claimants are in possession of the 'disputed land'.
- (c) Claims in tribal areas wherever the process of settlement is over but notification under Section 20 of the Indian Forest Act, 1927 ( or corresponding section of the relevant Act) is yet to be issued, particularly where considerable delay has occurred in the issue of final notification under Section 20, provided that the claimants are still in possession of 'disputed land'

2.2 After identifying the above three categories of the claims, the State Government/UT Administration should get these enquired through a Committee which should consist of atleast the concerned Divisional Forest Officer, Sub-divisional Officer ( Revenue Department) and a representative of the Tribal Welfare Department. The Committee should determine genuineness of the claims after examining all available evidence to establish that:

- (i) In case of category 2.1 (a) the claimant was in possession of the disputed land when the notification declaring 'deemed reserved forests' was issued; and
- (ii) In case of categories 2.1 (b) and 2.1 (c) the claimant was in possession of the disputed land when the notification showing Governments intention to declare reserved forest was issued under Section 4 of the Indian Forest Act, 1927 ( or corresponding section of the relevant Act) and his rights were not commuted or extinguished in accordance with due process of law.

- 2.3 In no case either the Government or the above Committee shall entertain any claim in which the claimant has not been in possession of the disputed land throughout.
- 2.4 Once the bonafides of the claims are established through proper enquiry, the State/UT Government may consider restoration of titles to the claimants. While deciding to restore titles to the claimants the following aspects should be duly considered:
- (i) As far possible, restoration of claims should not be result in honed combing of forest land. In such cases possibility of exchange of land near periphery or elsewhere ( e.g. non forest govt. land) should be exhausted.
  - (ii) The land to be restored to the claimants should be properly demarcated on the ground with permanent boundary marks.
- 2.5 After the State Government/UT Administration has decided in principle to restore titles to the claimants proposals may be formulated suitably and submitted for seeking prior approval of this Ministry under the provision of the Forest ( Conservation) Act, 1980 alongwith proposals fro compensatory afforestation.

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### Disputes regarding pattas/leases/grants involving forest land-settlement thereof

An inter- Ministerial Committee, which was set up by this Ministry to look into various aspects of tribal- forest interface has pointed out that number of cases of pattas/leases/grants involving forest land in one way or the other. have become contentious issues between different departments of the State/UT Govt. Such pattas/leases/grants are said to have been issued under the proper authority and order of the respective State/UT Government and the land in question continues in the possession of the allottees or under their authorised use but its status is under dispute between different departments. Some of such cases are listed below for illustration.

- 1.1 Protected forests in Madhya Pradesh, terms as "Orange Areas" which according to the State Governments decision were to be transferred to Revenue Department after demarcation for issuing pattas to the beneficiaries. It is observed that pattas were issued to the individuals but transfer of the land from Forest to Revenue Department which should have preceded allotment of pattas, was not effected.
  - 1.2 Dali lands in Maharashtra which are said to have been leased to the entire village community in the past by State Government. The assignees continue to make use of these lands for various purposes as per original terms and conditions and some times, in accordance with the decision of the village community wherever such leases are for collective use of the community as a whole. But the formal status of these 'Dali' lands is not clear.
  - 1.3 Cases in which land was assigned by the Revenue Department supposedly from revenue lands. But eventually these were found to be notified forest land even though the assignees were not dispossessed of their holdings.
  - 1.4 Leases granted by the State Government for cultivation, agro-forestry or tree plantation; the assignees continue to possess the land though these have not been renewed since enactment of the Forest ( Conservation) Act, 1980.
2. An ambiguity about the status of the land involved in the type of cases cited above, particularly when the forest land continues under the possession of the assignees, is likely to adversely affect forest protection in these and the neighbouring areas, apart from forcing the lawful assignees to live in a state of uncertainty. Keeping these and similar other aspects in view and after careful consideration of the recommendations of the inter-Ministerial Committee, it has been decided that inter-department issues related to pattas/leases/grants involving forest land should be settled at the earliest. The following steps are suggested in this regard.
- 2.1 All the cases of pattas, leases grants involving forest land whether by intent, omission, oversight or accident, should be reviewed by the State/UT Government. Such review should enable the State/UT Government to identify those cases in which the pattas/leases/grants were awarded under proper authority. The assignees continue to be in possession of the land and the term of the pattas/leases/grant is yet to expire.
  - 2.2 In all those cases, where pattas/leases/grants were given by the State Government Departments to Scheduled Tribes or rural poor either individual or collectively, such pattas/leases/grants should be honoured and inter-departmental disputes should not affect the rights of the assignees provided they are in physical possession of the land, and term of the patta/lease/grant has not yet expired. These cases should be examined by district level committees consisting of D.F.O., S.D.O. Revenue Department and a representative of Tribal Welfare Department. The disputes should be

resolved at district level wherever it is possible, or after obtaining suitable order of the State/UT Government or the Government of India ( if the provision of the Forest ( Conservation) Act, 1980 are attracted), as the case may be.

2.3 Lease of a period to 25.10.1980 which were granted to the scheduled Tribes or to other rural poor for agro-forestry, tree plantation or alike but could not be renewed, despite the State/UT Government's intention to do so, on account of enactment of the Forest ( Conservation) Act, 1980 should be examined expeditiously. wherever the State/UT Government's desire to continue the leases proposals, should be submitted to this Ministry, in the prescribed manner, for seeking prior approval under the Forest ( Conservation) Act, 1980. Pending final decision the lessees should not be dispossessed of the land.

2.(a) In cases where Forest ( Conservation) Act 1980, is attracted, proposals for denotification of forest land should be accompanied by proposals for compensatory afforestation.

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