

जयदीप सिंह कोचर
आर्थिक सलाहकार
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भारत सरकार
Government of India
जनजातीय कार्य मंत्रालय
Ministry of Tribal Affairs
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01.11.2018

Dear Madam,

Please refer to your letter No. FRA-2018/CR-57/Desk-14 dated 14.09.2018 regarding the issue of appropriate guidelines specifying the formula for determining the compensation for individual as well as community right holders under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Rights) Act, 2006 (FRA, 2006 in short).

2. It may be stated that while FRA, 2006 provides a legal framework for recognition and vesting of forest rights in the forest dwelling schedule tribes so that these rights become legally enforceable. It also provides adequate safe guards to avoid any further encroachment of forests and seeks to involve the democratic institutions at the grassroots level in the process of recognition and vesting of forest right. The processes and valuation of compensation etc. following the diversion of forest land for non-forest purposes are beyond the scope of this Act. Therefore, the subject of compensation itself is not within the purview of the Tribal Affairs.

3. The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (LARR Act, 2013) is the appropriate legislation for this purpose and it comes under the jurisdiction of Department of Land Resources. LARR Act, 2013 clearly spells out the procedure for identification of the affected persons/families [sub-section (c) of Section 3], determining and calculating the compensation amount (Section 26 to 29) as well as mechanism for developing rehabilitation and resettlement processes (Chapter V & VI). Special provisions for STs have also been spelt in Section 41 and 42 of this Act. Besides, the Act is also very clear on establishing compensation packages as provided under First and Second Schedules of the Act.

4. In view of the above, the responsibility of guidelines to be issued if any, pertaining to compensation, under the LARR Act lies with Department of Land Resources. At the same time, the Ministry of Tribal Affairs having the mandate of welfare of Scheduled Tribes, would be willing to participate in deliberations on the matter.

Regards,

Yours sincerely,
JSK
(Jaideep Singh Kochher)

Ms. Manisha Verma,
Principal Secretary,
Tribal Development Department,
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