

No. 17014/02/2007-PC&V (Vol. VII) (Pt.)

Government of India
Ministry of Tribal Affairs.

Shastri Bhawan, New Delhi

March 4, 2010

To

The Secretary,
Social Welfare & Tribal Welfare Department,
Government of Rajasthan,
Jaipur - 302 008

Subject: Large scale encroachment on Forest land during implementation of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.

Sir,

I am directed to refer to the letter dated 7.8.2009 of the PCCF, Rajasthan, Jaipur, addressed to the Director General of Forests, Ministry of Environment & Forests, and copy endorsed to this Ministry, on the above subject (copy enclosed) and to say that the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 does not prescribe any time limit for recognition and vesting of forest rights of the eligible claimants under the Act. As per Rule.11(a) of the Rules notified by this Ministry on 1.1.2008 for implementing the provisions of the Act, the Gram Sabhas shall call for claims and authorize the Forest Rights Committee to accept the claims in the Form as provided in Annexure-1 of the rules and such claims shall be made within a period of three months from the date of such calling of claims along with at least two of the evidences mentioned in rule 13, provided that the Gram Sabha may, if consider necessary, extend such period of three months after recording the reasons thereof in writing.

2. As regards his apprehension regarding the misuse of the Act by the anti-social elements and fresh encroachments of large forest areas, it may be stated that the forest rights under the Act are to be recognized only in respect of the forest land under occupation of forest dwelling Scheduled Tribes and other traditional forest dwellers before the 13th day of December, 2005. The fresh encroachments of forest lands after 13th December, 2005 would not qualify for recognition of rights under the Act. Further, misuse of the Act are to be checked by the prescribed bodies / authorities. The Act cannot be amended to accommodate any lapses on the part of such bodies / authorities.

Yours faithfully,

Sd/-

[A.K. Srivastava]

Director

Tel. 23387444

Copy for information to Director General of Forests, Ministry of Environment & Forests,
Paryavaran Bhawan, CGO Complex, Lodhi Road, New Delhi - 110 003

Sd/-

[A.K. Srivastava]

Director

Tel. 23387444