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भारत सरकार
GOVERNMENT OF INDIA
जनजातीय कार्य मंत्रालय
MINISTRY OF TRIBAL AFFAIRS
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D.O. No.23011/18/2015-FRA

10th August, 2015

Dear Mr. Aswal,

The Ministry of Tribal Affairs is in receipt of letter dated 27.7.2015 bearing No. F-10-11/2007/25-2 issued by Government of Chhattisgarh, Tribal Welfare Department, and addressed to all the District Collectors of the State of Chhattisgarh (except Raipur, Durg, and Bemetra).

2. While this Ministry appreciates the efforts of the Government of Chhattisgarh towards taking pro-active measures for implementation of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 ('Forest Rights Act'), it is also important to draw attention to the fact that the vesting and recognition of forest rights under the said Act requires careful and critical consideration by the Gram Sabha, which is an authority under the Act for the said purpose.

3. This Ministry has examined the aforesaid letter dt. 27.7.2015, where the State government has directed that the issue of whether vesting and recognition of forest rights is complete be placed before the Gram Sabhas at the meetings scheduled for 15th August, 2015. As these meetings have multiple agenda items which are required to be passed, it is apprehended that the Gram Sabhas will not be able to consider the question of whether rights recognition process under Forest Rights Act is complete in the area under their jurisdiction with the requisite attention and application of mind.

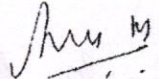
4. It is also important to state that this consideration must be done by the Gram Sabhas as defined under Section 2(g) and read with Section 2(p) of the Forest Rights Act, that is, Gram Sabhas at the hamlet level or village level, and must also satisfy the requirements of Rule 4(2) of the Forest Rights Rules, with respect to participation and quorum. It is likely that the Gram Sabhas held on 15th August may not satisfy these statutory requirements under Forest Rights Act and Rules.

5. It would, therefore, be appropriate that the issue of whether vesting and recognition of forest rights is complete be considered at Gram Sabha meetings specially convened for this purpose, and not be bundled with multiple other agenda items on 15th August, 2015.

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7. Implementation of the Forest Rights Act in a haste may lead to perpetuation of the historical injustice against forest dwelling Scheduled Tribes and other traditional forest dwellers which the Act seeks to correct. Therefore the State Governments are requested to undertake realistic estimates of the pending work, including estimation of potential claimants/villages and potential areas for recognition and vesting of forest rights. On this basis a detailed plan should be drawn up including all the steps required for implementation of the Forest Rights Act and implement it in a time bound manner.

Yours sincerely,


(Ashok Pai)

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