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सचिव, भारत सरकार
Secretary to the Government of India
जनजातीय कार्य मंत्रालय
Ministry of Tribal Affairs
शास्त्री भवन, नई दिल्ली-110 001
Shastri Bhawan, New Delhi-110 001
Website : www.tribal.gov.in
3rd September, 2010.

D.O. No.17011/1/2010-FRA

Dear

As you are aware, the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006 envisages the recognition and vesting of forest rights in forest dwelling Scheduled Tribes and other traditional forest dwellers over forest land in the National Parks and Sanctuaries also.

2. As per the information available with the Ministry, critical wildlife habitats in the National Parks and Sanctuaries are yet to be determined and notified under Section 2(b) of the Act, and, therefore, no action has been taken by State/UT Governments for the recognition and vesting of rights of forest dwelling Scheduled Tribes and other traditional forest dwellers occupying forest land in the National Parks and Sanctuaries.

3. It may be mentioned that the recognition and vesting of the forest rights under the Act is not related to the determination and notification of critical wildlife habitats in the National Parks and Sanctuaries. There is no provision in the Act to defer the process of vesting of forest rights till critical wildlife habitats are determined and notified. In fact, the rights need to be recognized first in the National Parks and Sanctuaries before undertaking any exercise for resettlement. No eviction and resettlement is permissible till all the formalities are completed.

4. Complaints were received in this Ministry that some Schedule Tribe persons living in National Parks and Sanctuaries are being forced to leave these areas without their rights, under the Act, being decided one way or the other. The Ministry had accordingly taken up the matter with the Ministry of Environment and Forests to issue instructions to all State Forest Departments to faithfully implement the provisions of the Forest Rights Act before any decision is taken on the eviction of the Scheduled Tribes living in these areas.

5. Consequently, Ministry of Environment and Forests has requested all the State Governments to ensure that before taking any decision on displacement of Scheduled Tribes from National Parks and Sanctuaries, the provisions of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006 should be duly complied with. In this connection, a copy of Ministry of Environment and Forests' letter No.7-12/2010-FP dated 21st June, 2010, addressed to the Principal Chief Conservation of Forests, Departments of Forest of all States/UTs is enclosed.

6. I shall be grateful if you could kindly bring the contents of the enclosed letter to the notice of all officers concerned with the implementation of the Act in your State for compliance.

Yours sincerely,

(A.K. Chugh)

Chief Secretaries of all States (except J&K, Punjab, Haryana, Nagaland, Puducherry, Chandigarh, Lakshadweep and Delhi)

Copy, alongwith a copy of Ministry of Environment and Forests letter No.7/12/2010-FP dated 21st June, 2010, is also endorsed to all the Secretaries in charge of Tribal Welfare of the States/UTs (except J&K, Punjab, Haryana, Nagaland, Puducherry, Chandigarh, Lakshadweep and Delhi).

(A.K. Chugh)
Secretary (TA)