

आशोक पै
Ashok Pai
सचिव
Secretary
द्वारा/Tele : 23073489
फैक्स/Fax : 23070489



भारत सरकार
GOVERNMENT OF INDIA
जनजातीय कार्य मंत्रालय
MINISTRY OF TRIBAL AFFAIRS
शास्त्री भवन, नई दिल्ली-110001
SHASTRI BHAWAN, NEW DELHI-110001
E-mail : ashokpai@nic.in
Website : www.tribal.gov.in
12th August, 2015

D.O No. 23011/18/2015-FRA

Dear Shri Rajiv,

It has come to the notice of Ministry of Tribal Affairs that some State Governments have prescribed unrealistic timelines for completion of recognition and vesting of rights as per Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.

2. Ministry of Tribal Affairs would like to reiterate that while it is important to be proactive and implement Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, the due process as laid down in the Act and the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2008 (as amended upto date) need to be complied with, in letter and spirit.

3. With regard to the timelines as provided to the low performing States, as well as through the Video conference, these are only indicative in nature and are meant to draw attention on expeditious implementation of the Forest Rights Act in a manner to undo historic injustice and also to undertake the various steps based on monitorable parameters.

4. The indicative timeline should not be misinterpreted as a suggestion to bypass the due process as laid down in the Forest Rights Act and the Rules and deny any rightful claimant of the forest rights under the Act.

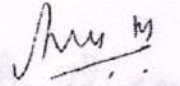
5. The completion of the process of recognition and vesting of forest rights under the Forest Rights Act requires a number of steps be completed as laid down in the Forest Rights Rules, including, but not limited to, communication of reasons for rejection to the claimant, exhaustion of appeals, creation of record of rights with clear demarcation of boundaries of the forest land in the map, and so on. Rule 12B (4) of the Forest Rights Rules also requires that the Secretary of the District Level Committee shall record the reasons where no community forest rights are recognised in a village.

6. 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.

Contd.

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)

Shri Rajiv Gauba,
Chief Secretary,
Government of Jharkhand,
1st Floor, Project Building,
Dhurwa,
Ranchi – 834 004