

मनोज कुमार पिंगुआ
संयुक्त सचिव
Manoj Kumar Pingua
Joint Secretary



भारत सरकार
जनजातीय कार्य मंत्रालय
शास्त्री भवन, नई दिल्ली-110001
GOVERNMENT OF INDIA
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D.O. No.23011/12/2015-FRA

10th April, 2015


Dear

As you may be aware, the Scheduled Tribes and Other Traditional Forests Dwellers (Recognition of Forest Rights) Act, 2006 (in short FRA) has completed more than seven years of its operation. This Act aims at addressing the issue of historic injustice and to recognize and vest the pre-existing rights of the forest dwelling communities in India. This Ministry, which has been designated the nodal Ministry for administration of the above said Act, has been issuing directions and guidelines from time to time on various aspects of implementation of FRA to ensure its proper implementation in the country. It also closely monitors the implementation of the Act. Certain issues have come to the notice of this Ministry which need urgent attention. These are as under;

- a. Even though a substantial progress has been achieved by most of the States in recognizing and vesting of Individual Forest Rights, a lot of work is yet to be done in case of recognition of Community Forest Resources Rights. Regular trainings and workshops are needed to be organized for the personnel involved in the process of implementation of the Act.
- b. A high rate of rejection of claims is another area of concern. Cause of every rejection needs to be communicated to the claimants. All the cases of rejection must be categorized on the basis of causes of rejection. There is a need to have a relook into the cases of doubtful rejection so that any rightful claim does not get denied.
- c. State Level Monitoring Committee (SLMC) meetings are not taking place regularly in many States and the Quarterly Progress Reports which are statutory requirement in the Act, are also not being furnished regularly. In the interest of proper implementation of the FRA, the SLMC meetings are required to be held regularly.
- d. The SLMC also needs to specifically ensure that Section 4(5) of FRA is implemented in letter and spirit and no forest dweller is evicted or removed till the process of FRA implementation is complete.

- e. It has also come to the notice of this Ministry that FRA is not being implemented in Sanctuaries and National Park and relocation is taking place without completion of FRA process. SLMC needs to ensure that Rights recognition process is completed in Sanctuaries and National Parks specifically in Tiger Reserves as FRA is applicable in all forest areas. Also, Gram Sabha decision has to be taken into consideration prior to any relocation.
 - f. It has also been observed that Ownership Rights to MFP are not recognized in these areas and MSP to MFP are not extended in protected areas. The State monopoly in MFP trade needs to be ended with the enactment of FRA.
 - g. Further, the Ministry also reiterates that the FRA process will only be completed when RoR (Record of Rights) has been created. The purpose of rights recognition is realized only when permanent record of rights are entered into record.
2. I shall be grateful if you take appropriate action on the above issues at the earliest to remove any impediments in implementation of FRA.

Yours sincerely,


(Manoj Kumar Pingua)

To,

Principal Secretary/Secretary/Commissioner

As per list enclosed

F.No.23011/22/2014-FRA
Government of India
Ministry of Tribal Affairs

F 281, August Kranti Bhawan
Bhikaji Cama Place
New Delhi - 110 066
Dated: 16.09.2014

OFFICE MEMORANDUM

Subject: 10th Meeting of the National Tiger Conservation Authority (NTCA).

The undersigned is directed to refer to MoEF&CC's OM No.15/2014-NTCA dated 12.08.2014 on the above subject and to say that the meeting on 26th August 2014 was attended by Shri Hrusikesh Panda, Secretary, Ministry of Tribal Affairs.

2. With reference to the agenda items no.16 & 18 regarding '*Supporting Gujjar relocation from Corbett*' and '*Removing the encroachment from Sunderkhal (near Corbett)*', this Ministry is of the view that no person should be displaced unless funds for rehabilitation are available and spent. In this connection, it is observed from the agenda papers of the 10th meeting that the budget of NTCA does not seem to have funds available for relocation of persons displaced due to various measures linked to tiger conservation activity. The National Tiger Conservation Authority/ Ministry of Environment, Forests and Climate Change may like to take a call on this aspect.

3. The displacement and rehabilitation issues will also require FRA clearance from the concerned Gram Sabha(s) in all cases where relocation from tiger reserves are envisaged.

4. This issues with the approval of the Competent Authority.



(Roopak Chaudhuri)
Deputy Secretary to the Government of India
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Ministry of Environment, Forests and Climate Change
(National Tiger Conservation Authority)
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