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

10<sup>th</sup> August, 2015

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 15<sup>th</sup> 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 15<sup>th</sup> 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 15<sup>th</sup> August, 2015.

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6. The completion of the process of recognition and vesting of forest rights under the Forest Rights Act requires that 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.

7. It is emphasized that the request of the Ministry of Tribal Affairs through the video conference dated 14.7.2015 that the States implement the Forest Rights Act in a proactive and time-bound manner, should not be interpreted to mean bypassing the requirements of the said Act and Rules in any manner.

8. It is important that all these steps be carried out in conformity with letter and spirit of the law, and the Forest Rights Act implemented in 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.

*With regards,*

Yours sincerely,



(Ashok Pai)

**Shri N.K. Aswal**  
Additional chief Secretary,  
Government of Chhattisgarh,  
Raipur.

Copy for information and guidance to the Principal Secretaries/  
Secretaries, Tribal Welfare Department of all States and Union Territories.



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