



*DSD*

**By FAX/POST**

Government of Orissa  
ST & SC Development Department

No. 39922 /SSD., dated the 30<sup>th</sup> Sept, 2010.  
TD-II-32/08(FRA)

*Imp  
DSD.*

Sri Vinod Kumar, IFS  
Special Secretary to Govt.



- All Collectors
- All Divisional Forest Officers (Tribal & Wildlife)
- All Project Administrators of I.T.D.As
- All District Welfare Officers.

Implementation of Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006- Determination and notification of critical wildlife habitats in the National Parks and Sanctuaries.

Madam/Sir,

I am directed to enclose herewith a copy of D.O.No.17011/1/2010-FRA dated the 3<sup>rd</sup> September, 2010 of Shri Arvind Kumar Chugh, Union Secretary, Ministry of Tribal Affairs addressed to the Chief Secretary, Government of Orissa and to request you to implement the directives with respect to vesting of forest right to the eligible applicant, vis-a-vis determination and notification of critical wildlife habitats in the National Parks and Sanctuaries under the provisions of Section-4 of the Forest Rights Act, 2006.

The following respective guidelines of the Government of India is reiterated:

- (i) 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.
- (ii) 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.

Encl: As above.

Yours faithfully,

*[Signature]*

Special Secretary to Government. 29/09/2010

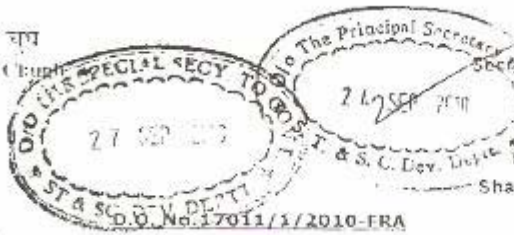
*8074  
05.10.10*

Memo No. \_\_\_\_\_ /SSD., dated

Copy forwarded to the Principal Secretary to Govt., Forest & Environment Department/ Principal Secretary to Government, Panchayat Raj Department/Commissioner-cum-Secretary to Government, Revenue & D.M. Deptt./Principal Chief Conservator of Forests, Orissa/ Principal Chief Conservator of Forests(WL) & Chief Wild Life Warden, Orissa for information.

Special Secretary to Government.

श्री अ. क. चव्हाण  
श्री अ. क. चव्हाण  
Phone: 23124652  
Fax: 23124652



Secretary to the Government of India  
जनजातीय कार्य मंत्रालय  
Ministry of Tribal Affairs  
शांति भवन, नई दिल्ली - 110 001  
Shastri Bhawan, New Delhi-110 001  
Website : www.tribal.gov.in

3<sup>rd</sup> September, 2010

*From A.K. Chugh*  
*Act*  
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.

*ST-5*  
*C.V.K.*  
*Minister ST*  
*M. bring*  
*L. bring*  
*Collect*  
*Muzia*

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 permitted till all the formalities are completed.]

4. In view of the complaints were received in this Ministry that some Scheduled 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-FR dated 21<sup>st</sup> 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,  
*(Signature)*  
(A.K. Chugh)

Shri Tarun Kanti Mishra,  
Chief Secretary,  
Government of Orissa,  
Bhubaneswar.

*2*

F.No.7-12/2010-FP  
Government of India  
Ministry of Environment & Forests  
(FP-Section)

40  
Paryavaran Bhawan,  
CGO Complex, Lodhi Road,  
New Delhi-110003

Dated 21/06/2010

To

The Principal Chief Conservator of Forests,  
Department of Forests,  
All States/UTs

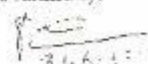
**Subject: Compelling the Scheduled Tribes dwelling in the National Parks and Wildlife Sanctuaries to leave the premises of National Parks and Wildlife Sanctuaries without settling their rights under the provisions of the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006**

Sir,

Please find enclosed herewith a copy of D.O. letter No. 23011/29/2009-S.G.-2 (FRA) dated 06/05/2010 as received from Shri Kanti Lal Bhuria, Hon'ble Minister of Tribal Affairs, Government of India on the subject cited above. In this regard, it is to inform that before taking any decision regarding the displacement of Schedule Tribes from National Parks and Wildlife Sanctuaries, it must be ensured that the Provisions of Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 have been duly complied with. This is also needed to evaluate the compensation to be paid to them through award of collector.

Yours faithfully,

Encl. As stated above

  
(Mohan Lal)  
AIG (FC)

Copy to:

Member Secretary, NTCA, Govt. of India, Bikaner House, New Delhi for information.