



Government of India

**R. P. Gupta,
Secretary,
Ministry of Environment,
Forest and Climate Change**

**Anil Kumar Jha,
Secretary,
Ministry of Tribal Affairs**

D.O. No.23011/25/2021-FRA

6th July, 2021

Dear Chief Secretary,

As you are aware, the Forest Dwelling Scheduled Tribes (FDSTs) and Other Traditional Forest Dwellers (OTFDs) inhabiting forests for generations were in occupation of the forest land for centuries. Forests are the source of their livelihood, identity, customs and traditions. However, their rights on their ancestral lands and their habitats had not been adequately recognized despite them being integral to the very survival and sustainability of the forest eco-system. The traditional rights and interests of FDSTs and OTFDs on forest lands were left unrecognized and unrecorded during consolidation of State forests in the past.

2. Insecurity of tenure and fear of eviction from the lands where they had lived and thrived for generations were the biggest reasons why tribal communities felt emotionally as well as physically alienated from forests and forest lands. This historical injustice needed correction and, therefore, the Government enacted the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, which is commonly known as Forest Rights Act (FRA). It is an Act to recognize and vest the forest rights and occupation in forest land in FDSTs and OTFDs who have been residing in such forests for generations but whose rights could not be recorded; to provide for a framework for recording the forest rights so vested and the nature of evidence required for such recognition and vesting in respect of forest land. The Act came into operation with the notification of Rules on 01.01.2008 for carrying out the provisions of the Act.

3. Despite considerable lapse of time since the Act came into force, the process of recognition of rights is yet to be completed. Further, the exercise of these rights as well as operationalization of Section 5 of the Act are other areas of concern. Hence, the Ministries of Tribal Affairs (MoTA) and Environment, Forest and Climate Change (MoEFCC) deliberated on issues for smoother implementation of the Act and noted that there has been no conflict insofar as the legal framework of the law is concerned. Since the State Governments are responsible for implementation of the Act, issues related to its implementation need to be resolved at the State level in terms of the statutory provisions.

4. However, it has also been decided that any queries/issues that may require clarification/hamper the implementation of FRA may be brought to the notice of Central Government so that both Ministries may take a collective view on the matter including issuing joint clarification, guidelines etc. **Therefore, you are requested to undertake a review of the implementation of the Act and intimate the Government of India about any clarifications that are needed to smoothen the process.**

5. It has been observed that a high level of support from Forest Departments of State Governments is required for the Act to be implemented in various aspects such as the verification of claims for forest rights, mapping of the forest lands involved and provision of necessary evidence as required, authentication of records, joint field inspection, awareness generation etc. Further, post-recognition activities require similar support in demarcation of areas where rights have been recognized, in ensuring that the exercise of the rights by the rights holders is unhindered and to facilitate the Gram Sabhas to function in the manner envisaged under the Act.

6. Community Forest Resource is customary common forest land to which the community had traditional access. Section 3(1)(i) of the Act provides for rights to protect, regenerate or conserve or manage any community forest resource (customary forest land to which the community has traditional access) which have been traditionally protected and conserved for sustainable use. The frontline staff of State Forest Department should extend assistance to the institutions/committees under Rule 4(1)(e) and (f) of the Act for preparing conservation and management plan for community forest resources in order to sustainably and equitably manage such community forest

resources for the benefit of Forest Dwelling Scheduled Tribes and Other Traditional Forest Dwellers and integrate such conservation and management plan with the micro plans or working plans or management plans. In this regard, the benefits gained from the Joint Forest Management movement in the past three decades need to be harnessed for protection and management of forests through Gram Sabha (under Section 3(1)(i) and Section 5 of the FRA, 2006).

7. Therefore, you are requested to kindly issue suitable instructions to enable expeditious implementation of the Act, including both the pre-recognition and post-recognition aspects.

8. It has also been noted that enhancement of livelihood prospects of the traditional forest dwelling and forest dependent tribal and other communities requires synergy between the two Ministries at the Central level and at both the Forest and Tribal Welfare/Affairs Departments of the State Governments. This joint communication calls for the attention of the State on the following aspects:

- i. State Forest Department should undertake projects for value chain addition including capacity building of primary collectors, new harvesting methods, storage, processing and marketing of the Non-Timber Forest Products (NTFP) under schemes implemented by the Ministry of Tribal Affairs in such a manner that both forest productivity increases and local tribal and other forest dwelling communities derive maximum benefit.
- ii. Each State Government may designate a nodal agency for specific NTFPs or a group of products for which sustainable supply-chain platform needs to be developed in collaboration with partners such as TRIFED, NSTFDC, Ministry of Ayush, State Forest Departments, Forest Development Corporations, TDCCs, MFP Federations, Van Dhan Kendras etc. both on physical and digital platforms.
- iii. The State Tribal Welfare Departments, State Forest Departments and Tribal Development Corporations may initiate projects/schemes for undertaking Agro-forestry, horticulture, medicinal plantation etc under

various schemes of different Departments implemented by Central/State Governments. It shall not only improve the livelihood of forest rights holders but also improve the forest and tree cover.

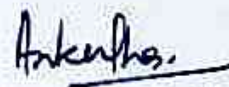
- iv. The State Forest Department with assistance provided by Tribal Welfare Department and other relevant Departments will undertake skill development programmes for forest rights holders for sustainable use of resources and adequate measures for regeneration as these are fundamental to long term sustainability of enjoying the rights over forests.
- v. State Tribal Welfare Department and State Forest Department will jointly work out a strategy framework in consultation with Department of Rural Development to ensure extension of benefits of MGNREGS and NRLM to Forest Dwellers.

The Ministry of Environment, Forest and Climate Change and Ministry of Tribal Affairs are committed to implementation of the Act in letter and spirit. It is urged that close cooperation and coordination between State Forest Department and State Tribal Welfare Department will provide a win-win situation for both the forests and tribal communities at grassroots level.

Yours Sincerely,



(R. P. Gupta)



(Anil Kumar Jha)