

F. No. 23011/16/0215-FRA  
Government of India  
Ministry of Tribal Affairs

Room No. 401, B Wing,  
4<sup>th</sup> Floor Shastri Bhawan,  
Rajendra Prasad Road,  
110001, New Delhi,  
Dated: 21<sup>st</sup> February 2020

Order

The Ministry of Tribal Affairs had issued guidelines under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (in short FRA, 2006) on 12<sup>th</sup> July, 2012 which provided guidance to the State Governments for the recognition of community rights under the Act. Further, the said guidelines also covered the subject of minor forest produce. This was in addition to the comprehensive rules notified under the Act in 2008 which were amended in 2012. Community rights recognition, however, has not taken off to the desired extent. Hence, there is need for comprehensive and specific guidelines for community rights recognition process, as per FRA, 2006.

2. Further, in order to facilitate the recognition of Habitat Rights of Particularly Vulnerable Tribal Groups (PVTGs), Ministry of Tribal Affairs has issued a detailed clarification, pertaining to recognition of Habitat rights under FRA, 2006 in April, 2015 to all the State Governments (copy of clarification is enclosed as **Annex- A**). Para 7 of the detailed clarification required State Governments to make all out efforts to recognize the habitat rights of the PVTGs and intimate the Ministry of Tribal Affairs on the steps taken towards recognition of the rights in the periodic reports submitted by them. However, State Governments have not reported any progress in this direction. Keeping this in view, State Governments have once again been asked recently on 16.12.2019 to intimate the difficulty faced by them in implementing habitat rights of PVTGs, again with no response.

3. This Ministry also issued FAQ on FRA containing, inter-alia, habitat rights of PVTGs (in forest as well as Revenue land) as also taking care of procedural aspects of recognition of habitat rights (copy enclosed as **Annex- B**). Also, a study was commissioned under UNDP-MoTA project in 2014 for devising mechanism for

recognition of habitat rights of PVTGs under FRA, 2006. The study report (**copy available on this Ministry's website**) proposed a process guideline for determination and Recognition of Habitat Rights of PVTGs and specific roles and responsibilities of different authorities under the FRA in the habitat right recognition.

4. Since as of now, no progress has been reported by any of the State Governments in respect of recognition and vesting of habitat rights of PVTGs under FRA, 2006, **it is felt that State Governments need comprehensive and specific guidelines on the issue to overcome difficulties faced by them in the process of recognition of habitat rights as per FRA.**

5. Apart from Habitat Rights of PVTGs, Section 3 (1) (d) of FRA provides for recognition of grazing (both settled and transhumant) and traditional seasonal resource access of nomadic or pastoralist communities under FRA. State Governments have not reported any progress towards recognition of seasonal resource access rights of nomadic or pastoralist communities so far. **This also reflects that State Governments also need a comprehensive and specific guideline to facilitate recognition and vesting of such rights.**

6. In view of para 2,3,4 and 5 above, Ministry of Tribal Affairs has decided to constitute **an Expert Committee under the Chairpersonship of Shri Hrusikesh Panda, Former Secretary, TA on improvement of the recognition and vesting process of community rights under the Forest Rights Act, 2006 with special focus on (i) Habitat Rights of PVTGs and (ii) Seasonal Resource access to Nomadic and Pastoralist communities.**

7. The composition of the expert committee will be as under: -

- Shri Hrusikesh Panda, Former Secretary, Tribal Affairs- Chairman
- Principal Secretary of State Tribal Development Department, Madhya Pradesh – Member
- Principal Secretary of State Tribal Development Department, Chhattisgarh – Member
- Principal Secretary of State Tribal Development Department, Andhra Pradesh – Member
- Principal Secretary of State Tribal Development Department, Manipur – Member

- Principal Secretary of State Tribal Development Department, Himachal Pradesh – Member
- Principal Secretary of State Tribal Development Department, Karnataka – Member
- Principal Secretary of State Tribal Development Department, Arunachal Pradesh– Member
- Principal Secretary of State Tribal Development Department, Rajasthan – Member
- Representative of Ministry of Social Justice, at the level of Joint Secretary – Member
- Representative of Ministry of Minority Affairs, at the level of Joint Secretary – Member
- Representative of The Anthropological Survey of India, at the level of Joint Secretary – Member
- Representative of Department of Land Resources, at the level of Joint Secretary – Member
- Representative of Department of Ministry of Environment, Forest and Climate Change, at the level of Joint Secretary – Member
- Ms Madhu Sarine, Independent Researcher- Member
- Mr. Naresh Biswas, Independent Researcher – Member
- Mr. Ajay Dolke, Srujan- Member
- Dr. K. Amitab Bachhan, Kerala- Member
- Mr. Ramesh Bhatti, Center for Pastoralism – Member
- Himdhara, Himachal Pradesh- Member
- Mr. Y. Giri Rao, Director, Vasundhara- Member
- Mr. Satyam Shrivastava, Society for Rural Urban and Tribal Initiative, New Delhi- Member
- Mr. Sudhir Pal, CEO, Manthan Yuva Sansthan, Jharkhand- Member
- Mr. Uttam Kumar Kar, Under Secretary, Ministry of Tribal Affairs- Convener
- Mr. Subrat Kumar Nayak, UNDP – Member
- Ms. Priya Tayde, UNDP – Member
- Mr. Debashish Das, UNDP- Member.

The committee will submit its report, suggestive guidelines, recommendations in the matter to the Ministry of Tribal Affairs within three months.