

By FAX

**GOVERNMENT OF ODISHA
ST & SC DEVELOPMENT DEPARTMENT**

No. **9 14 1** /SSD., Bhubaneswar
STSCD-FRA-MISC-0033-2014

Dt. 1st May, 2015

From,

Shri R.K.Das, OWS
Asst. Director (H.qrs.)

To,

All Collectors.

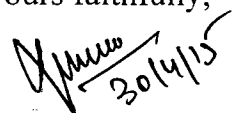
Sub.: Clarification pertaining to recognition of Habitat rights under Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.

Sir/ Madam,

I am directed to send herewith the copy of the letter No.23011/16/2015-FRA dt.23.04.2015 received from the Under Secretary, Ministry of Tribal Affairs, Govt. of India containing clarification / guidelines in the matter of recognition of habitat rights as per the provisions enumerated under Section 3(1) (e) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, which is self-explanatory, for favour of your information and necessary follow-up action in the interest of implementation of the scheme.

Yours faithfully,

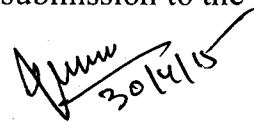
Enclosed: As above


Asst. Director (H.qrs.)

By email

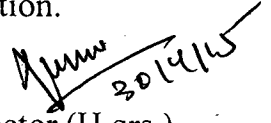
Memo No. **9 14 2** / SSD, Dt. **Dt. 1st May, 2015**

Copy along with copy of the enclosures sent to all 'Nodal' officers under FRA (9 PA, ITDAs & 21 DWOs) for information and necessary follow up action. They are requested to make all-out effort to recognise the habitat rights of the PVTGs as per the provisions under Section 3(1) (e) of the FR Act and intimate this Department about the steps taken towards recognition of such rights for onward submission to the Govt. of India in the Ministry of Tribal Affairs.

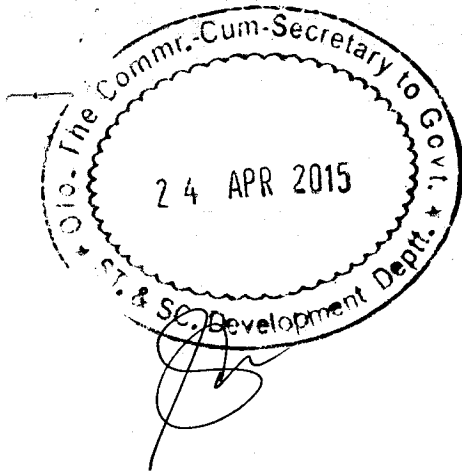

Asst. Director (H.qrs.)

Memo No. **9 14 3** / SSD, Dt. **Dt. 1st May, 2015**

Copy along with copy of the enclosures sent to the Forest & Environment Department, Odisha/ Revenue & Disaster Management Department, Odisha/ Panchayati Raj Department, Odisha for information and necessary action.


Asst. Director (H.qrs.)

12710 8424/ 825112015
24-04-15



No. 23011/16/2015-FRA
Government of India
Ministry of Tribal Affairs
(FRA Division)

R.No. F-280, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi
Dated: 23rd April, 2015

To,
The Chief Secretaries of all State Governments

Sub: Clarification pertaining to recognition of Habitat rights under Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (FRA)

1. This has come to the notice of the Ministry of Tribal Affairs that the Hindi version of the Forest Rights Act has translated the word 'habitat' under Section 3(1)(e) as "aawas" which is commonly understood as house or homestead. This has created confusion and due to misinterpretation, many States have equated the term "habitat" to mean providing housing facilities as under *Indira Awas Yojana* and other such housing scheme.
2. The Ministry would like to state that the FRA clearly lays down the definition of 'habitat' under Section 2(h), and further describes the forest right to such habitat under Section 3(1)(e). Rule 12(1)(d) of the FR Rules further requires Forest Rights Committee to ensure that the claims from Particularly Vulnerable Tribal Groups (PVTGs) are verified when such communities or their representatives are present.
3. Further, the right to community tenures of habitat and habitation may be recognized over customary territories used by the PVTG for habitation, livelihoods, social, economic, spiritual, sacred, religious and other purposes. In some cases the habitats of PVTGs may overlap with forests and other rights of other people / communities.

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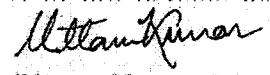
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4. Rule 8 of the FR Rules (as amended on 6.9.2012) envisages the role of the District Level Committee (DLC) to examine, whether all claims, especially those of primitive tribal groups (Particularly Vulnerable Tribal Groups), pastoralists and nomadic tribes, have been addressed keeping in mind the objectives of the Act.
5. It has further been provided in FR Rule 12(B)(1) that, the DLC shall in view of the differential vulnerability of PVTGs, ensure that all PVTGs receive habitat rights in consultation with the concerned traditional institutions and their claims for habitat rights are filed before the concerned Gram Sabhas, wherever necessary, by recognising floating nature of their Gram Sabhas.
6. Where the claims of PVTGs have already been filed, the DLCs should take steps to ensure recognition of their rights along with mapping of the area of each claim over which their rights have been recognized.
7. Therefore the State Governments need to make all-out effort to recognise 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.

This issues with the approval of competent authority.

Yours faithfully,


(Uttam Kumar Kar)

Under Secretary to the Government of India

Tel No: 011-26182814

Copy to: Principal Secretary/Secretary/Commissioner – Tribal Welfare Departments of all States.