

No. 23011/11/2013-FRA (pt.)
Government of India
Ministry of Tribal Affairs

Shastri Bhawan, New Delhi
Dated: 6.08.2013

To,

Shri B. Somasekhara Reddy,
Principal Chief Conservator of Forests,
Government of Andhra Pradesh,
Aranya Bhawan, Saifabad,
Hyderabad-500004

Subject: Forest Department – Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights), Act, 2006- clarification regarding the CFR titles given to JFM (VSS) Committees in Andhra Pradesh State.

Sir,

I am directed to refer to your D.O. letter No. 40971/2012/LR.1, dated 17.06.2013 on the above subject and to say that the JFM (VSS) Committees formed in the State of Andhra Pradesh pursuant to the Joint Forest Management (JFM) programme of the Ministry of Environment & Forests and the Government of Andhra Pradesh are not covered by the definition of the terms "forest dwelling Scheduled Tribes" and "other traditional forest dweller", as given in Sections 2(c) and 2(o) of the Forest Rights Act, 2006. Hence, these Committees can also not be considered as "claimant" for purposes of recognition and vesting of forest rights under the Act as per the definition of "claimant" given in Rule 2(c) of the Forest Rights Rules, 2008. These Committees are, therefore, not eligible for recognition and vesting of forest rights under the said Act, including the forest right specified in Section 3(1)(i) of the Act.

2. As regards the decision taken by the State Government on 21.07.2009 in the meeting held under the Chairmanship of then Chief Minister of Andhra Pradesh to give Community Rights to JFM(VSS) Committees, it may be stated that the Forest Rights Act, 2006 had already been notified for operation with effect from 31st December, 2007. The decision taken by the State Government on 21.07.2009 to give Community Rights to these Committees subsequent to operationalization of the Act was, therefore, not in accordance with the law.
3. In view of the above, the CFR titles given to JFM (VSS) Committees may be withdrawn. The rejection of the individual claims on the ground that such claims were filed within the JFM areas was also, therefore, incorrect.
4. The Ministry may kindly be apprised of the action taken on this matter.


Yours faithfully,

(Gopal Sadhwani)
Deputy Secretary to the Government of India
Tel: 23383965

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✓ Copy, along with a copy of PCCF, Government of Andhra Pradesh's D.O. letter No. 40971/2012/LR.1, dated 17.06.2013, referred to above, is forwarded to Principal Secretary, Tribal Development Department, Government of Andhra Pradesh, Hyderabad for information and necessary action.


17.06.2013
(Gopal Sadhwani)

Deputy Secretary to the Government of India