

78 PUC is a DO letter No. 23011/06/2014-FRA dated 23.12.2016 received from the Joint Secretary to Govt. of India, Ministry of Tribal Affairs, FRA Division, New Delhi along with a copy of letter dated 3.3.2014 regarding Record of Rights issued under the STs and OTFDs (Recognition of Forest Rights) Act 2006.

79 Vide letter dated 3.3.2014 at page 251/c, the MoTA has communicated the following observations/comments under the Record of Rights issued under the STs and OTFDs (Recognition of Forest Rights) Act 2006 and requested the respective States/UTs to furnish the compliance report/status to the MoTA:

- (i) The Records of Rights issued under the Forest Rights Act 2006 (FRA) should also mention the name of the Caste/Tribe so that, in future, the people do not have any difficulty in obtaining Caste Certificates.
- (ii) The village maps and the village records should also indicate the community land classified into various categories as per the local revenue code/law.
- (iii) As per the Forest Rights Rules 2007, on completion of the process of settlement of Rights and issue of titles as specified in Annexure II, III and IV of these Rules, the Revenue and Forest Departments are to prepare a final map of the forest land so vested and the concerned authorities are required to incorporate the forest rights so vested in the revenue and forest records, as the case may be, within a period of three months, whichever is earlier. Eventually, the right holders under FRA have to be issued Record of Rights under the Revenue Code/Law so as to mainstream them and treat them at par with other land holders.

80 In this context, it is submitted that the Central Govt. issued the Constitution (Andaman & Nicobar Scheduled Tribes) Order, 1959 under Article 342 of the Constitution, notifying (Six) Aboriginal Tribes of Andaman & Nicobar Islands as Scheduled Tribes. Subsequently, in exercise of the powers conferred under Clause (2) of Article 243 of the Constitution, the President of India promulgated the Andaman & Nicobar Islands (Protection of Aboriginal Tribes) Regulation 1956, for the protection of the interest of socially and economically backward aboriginal tribes in the Andaman & Nicobar Islands.

81 So far as the UT of A & N Islands is concerned, the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 is applicable only to the forest dwelling Scheduled Tribes of these Islands. As far as Other Traditional Forest Dwellers are concerned there are no community is in occupation of forest area for three generation or 75 years.