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F. No. 1-822/2013/643
अण्डमान तथा निकोबार प्रशासन
ANDAMAN AND NICOBAR ADMINISTRATION
जनजाति कल्याण निदेशालय
DIRECTORATE OF TRIBAL WELFARE.

Port Blair dated the 28th June, 2018.

To

Ms Shyla Titus
Deputy Secretary to Govt. of India,
Ministry of Tribal Affairs,
216-J, D Wing,
August Kranti Bhawan, Bhikaji Cama Place,
New Delhi- 110 066

Sub:- Status of pending claims of forest rights made under FRA, 2006-reg.

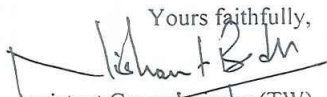
Sir,

I am directed to invite a reference to Ministry's DO letter No. 23011/3/2016-FRA dated 7.6.2018 on the above cited subject and to say that the areas inhabited by the Scheduled Tribes have been declared as reserved area under the A & N Islands (Protection of Aboriginal Tribes) Regulation, 1956, wherein the entry as well as acquisition of any interest in land etc. by any person other than the members of the aboriginal tribes there are strictly prohibited. The interest of the Scheduled Tribes in A&N Islands therefore, have been fully protected under the Regulation, 1956 by exclusively reserving the area for them in which they have full rights to use the forest products for their bonafide use and sustenance, so no claim as such is for settlement under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.

As regards, other Traditional Forest Dwellers, nobody qualifies for being the traditional forest dwellers having resided on the forest land/ tribal reserve for the bonafide livelihood needs for three generations (75 years) prior to 13.12.2005 for the purpose of recognition of forest right under the above said Act.

Recently, the A&N Administration has filed an Reply Affidavit of Writ Petition (civil) No. 50 of 2008 titled Wildlife Trust of India and Others-vs-Union of India and others pending before the Hon'ble Supreme Court, in which, we have committed that the interest and ownership rights of the Scheduled Tribes in Andaman and Nicobar Islands are fully protected under A & N Islands (Protection of Aboriginal Tribes) Regulation, 1956 and in absence of other traditional forest rights under FRA, 2006 does not arise.

Hence the report in respect of Andaman & Nicobar Islands may be treated as NIL.

Yours faithfully,

Assistant Commissioner (TW)
28/06/2018

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