

declaring the whole new Chingen village alongwith its surrounding area to be used for livelihood activities as reserve area under PAT Regulation as the Forest Deptt. is reluctant to allow livelihood activities like raising plantation etc. by the tribals being the area under forest reserve. It is informally learnt from Shri Pabla, AE, PMB over phone that the construction of road has already begun and likely to be completed by March, 2014. However, the proposal in respect of Chingen village for declaring reserve area is yet to be received.

Now in view of the clarifications issued by the MoTA (PUC) about conversion of forest villages etc. into revenue villages to facilitate implementation of the FRA 2006, the issue relating to livelihood concerns of Nicobarese and Shompen tribals of Chingen village could be taken up for resolution.

The whole GNI is a tribal reserve as per the Admn.'s Notification No. ANPATR/3(1)/1 dated 2<sup>nd</sup> April, 1957 U/S 3 of the PAT Regulation except the area reserved vide the Admn.'s Notification No.62/72/F.No.81-9/71-J(1) dated 2<sup>nd</sup> April, 1972 (copy of each placed at PP 31-33/C) In that case new Chingen village falls under tribal reserve if it is included under forest reserve as informally claimed by the Forest Department. Even otherwise, conferring forest rights in respect of new Chingen village under the FRA 2006 and the rules made thereunder as further amended in the year 2012 could be taken up. The forest rights to be conferred on the forest dwelling Scheduled Tribes as per Section 3(1) of the FRA 2006 are reproduced below:-

- (a) Right to hold and live in the forest land under the individual or common occupation for habitation or for self-cultivation for livelihood by a member or members of a forest dwelling Scheduled Tribes or other traditional forest dwellers;
- (b) Community rights such as nistar, by whatever name called, including those used in erstwhile Princely States, Zamindari or such intermediary regimes;
- (c) Right of ownership, access to collect, use and dispose of minor forest produce which has been traditionally collected within or outside village boundaries;
- (d) Other community rights of uses or entitlements such as fish and other products of water bodies, grazing (both settled or transhumant) and traditional seasonal resource access of nomadic or pastoralist communities;