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F. No. 1-822/2013-TW/97
अण्डमान तथा निकोबार प्रशासन
ANDAMAN AND NICOBAR ADMINISTRATION
जनजाति कल्याण निदेशालय
DIRECTORATE OF TRIBAL WELFARE

Port Blair dated the/4th May, 2019

To

The Director
Ministry of Tribal Affairs
(FRA Division)
Govt of India,
Shastri Bhawan, New Delhi

Sub: - Information on conversion of all forest villages, old habitation, unsurveyed villages etc into revenue villages under Section 3(1)(h) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (in short FRA) –reg

Sir,

I am to invite reference to Ministry's letter No. 23011/33/2010-FRA dated 24.4.2019 on the above subject and to inform that the area inhabited by the Scheduled Tribes in the Union Territory of Andaman and Nicobar Islands has been declared as Reserved Areas under the Andaman and Nicobar Islands (Protection of Aboriginal Tribes) Regulation, 1956 and their interests are fully protected under the said Regulation by exclusively preserving the area for them in which they enjoy unfettered rights to use forest products for their bonafide use under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.

Recently, the A&N Administration has filed the 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 of India, 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) Regulations, 1956 and in absence of other traditional forest dwellers further vesting of any forest rights under FRA, 2006 does not arise in A&N Islands.

In view of the above, it is to be noted that the tribes and tribal situation of the Andaman and Nicobar Islands cannot be compared with the tribes of other part of India because the Andaman and Nicobar Islands (Protection of Aboriginal Tribes) Regulation, 1956, promulgated by the President of India provides for protection of the interests of aboriginal tribes and declaration of the geographical area as reserved areas for the exclusive community ownership of the tribes. This Regulation has overriding effect over other laws under Section 11 of Andaman and Nicobar Islands (Protection of Aboriginal Tribes) Regulation, 1956.

Yours faithfully

o/c

(Govind Ram)
Director (TW)

14/5/19