

F. No. 19020/02/2012-FRA

Government of India

Ministry of Tribal Affairs

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Shastri Bhawan, New delhi

Dated: 29<sup>nd</sup> April, 2013

To

All the Principal Secretaries/ Secretaries/Commissioners of the States/UTs,  
Tribal Welfare Department.

**Subject: Applicability of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of forest Rights) Act, 2006 in Municipal areas.**

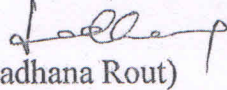
I am to refer to the captioned subject and to inform that Ministry of Tribal Affairs had issued clarifications to SC/ST Development Department of Govt. of Chhattisgarh vide its letter No. 23011/28/2008-SG-II, dated 21.01.2009 on the issue of processing of the claims of the occupants of forest land in Municipal and Panchayat area of Korba District of Chhattisgarh (copy enclosed). Ministry of Tribal Affairs had also issued clarifications to the Secretary, Tribal Development Department, Government of Maharashtra vide its letter No. 17014/02/07-PC &V (vol.-VII)(pt.) dated 4.3.2010 on the issue of applicability of Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006( in short Forest Rights Act) in municipal Area (copy enclosed). As per these two clarifications, Forest Right Act was not applicable in Municipal Areas.

2. It is further informed that the issue of applicability of the " The Scheduled Tribes and Other Traditional Forest Dwellers(Recognition of Forest Rights ) Act,2006" in Municipal Area has figured in W.P. no. 7705 filed by Kashtakari Sanghatana and others in Bombay High court. The clarification issued by this Ministry on the applicability of Forest Rights Act (FRA) to Municipal areas has been questioned in the said Writ Petition.

3. The clarification, as stated in para 1 above, has since been reviewed by this Ministry in consultation with Ministry of Law & Justice and the same has been withdrawn by this Ministry vide its communication of even number dated 12.04.2013 addressed to Tribal Development Department, Maharashtra and SC/ST Development Department, Chhattisgarh (copies enclosed). Now the stand of this Ministry is that Forest Rights Act applies to Municipal areas. Further, as per the revised clarification, in Municipal areas also. Further, Mohalla Sabha can be constituted as equivalent to the Gram Sabha for the purpose of Forest Rights Act and as such, in such areas the Mohalla Sabha should be constituted along with the equivalent tiers at the sub-division and district level and accordingly be engaged to initiate, consider and finally approve the process of vesting of Forest Rights as envisaged under the Act.

4. State Governments are, therefore, requested to suggest equivalent tiers at the sub divisional and district level with respect to the urban local bodies which can be vested with similar functions to that of Sub Divisional Level committee and District Level Committee so that they are able to deliver the functions assigned to these bodies as per the Forest Rights Act, 2006.

5. The suggestions/ recommendations for formation of appropriate committee equivalent to that of Sub division and District level Committee for the Municipal areas may be furnished to the Ministry at the earliest.

  
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