

F.No.2-3/2004-FC  
Government of India  
Ministry of Environment and Forests  
FC Division

Paryavaran Bhawan, C.G.O. Complex,  
Lodi Road, New Delhi-110003.

Dated: 12<sup>th</sup> May 2005

To

The Principal Secretary (Forests),  
All States/UTs.

**Sub:** Traditional rights of tribals on forest lands-discontinuance of  
eviction of tribals- **Clarification thereof.**

Sir,

In continuation of this Ministry's letter vide No.2-3/2004-FC(Pt.II)  
dated 21-12-2004 on the above-mentioned subject, I am directed to clarify  
following points:

1. The cut-off date for settlement of land rights including regularization of encroachments, on forest land shall be **25-10-1980**, i.e., the date of enactment of Forest (Conservation) Act, 1980, as indicated in the guidelines issued on 18<sup>th</sup> September 1990.
2. 'Forest dweller' means any individual who inhabits the forest lands.
3. Forest dwellers including tribals, who are in continuous possession of forest land atleast from prior to **25-10-1980**, i.e., the date of enactment of Forest (Conservation) Act, 1980, shall be eligible to be considered for settlement of land right including regularization of encroachment on forest land, irrespective of the fact that the State Government has taken a prior decision or not for such regularization.
4. Forest dwellers including tribals, who have occupied forest land on or after 25-10-1980, shall be in-eligible for settlement of land right including regularization of encroachment on forest land.
5. It is clarified that the State / UT Governments, shall not resort to eviction of forest dwellers including tribals other than in-eligible

encroachers, till the complete verification is done for the recognition of such people and their rights on forest lands. Further, no forest dweller including tribal, can be declared "ineligible" without such determination following prescribed due process of verification.

6. The State / UT Governments should adopt a transparent procedure for pro-active verification within the framework of guidelines issued on 18-9-1990 under Forest (Conservation) Act, 1980 and the directives issued vide letter dated 21-12-2004.
7. For eviction of the encroachers, the State / UT Governments should follow the procedure prescribed in law, and it should be done in a humane manner.
8. The State / UT Governments may also look into the feasibility to adopt a common policy for providing alternate sustainable livelihood options in respect of people evicted from Revenue lands, Municipal lands and Forest lands.

This issues with the approval of Minister of Environment and Forests.

Yours faithfully,

  
(ANURAG BAJPAD)

Asstt. Inspector General of Forests

Copy to:

1. The PMO (Attn. Shri K.V. Pratap, Deputy Secretary).
2. Officer on Special Duty (Attn. Shri Dhiraj Srivastava), National Advisory Council, 2, Motilal Nehru Place, New Delhi.
3. Secretary, Ministry of Tribal Affairs, Government of India.
4. All PCCFs/Nodal Officers (All States/UTs).
5. All Regional Offices, Ministry of Environment and Forests.
6. Director (FC)
7. AIGs (FC)
8. Guard file.