

No.17014/02/2007-PC&V/FRA (Vol.VII)  
Government of India  
Ministry of Tribal Affairs

Shastri Bhawan, New Delhi  
May 6, 2010

To

The Principal Secretary & Commissioner for Social Welfare  
Government of Uttar Pradesh  
Lucknow

Subject: Grant of land rights to *taungya* cultivators under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.

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Sir,

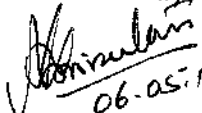
I am directed to refer to your letter No.568/26-3-2010-4(41)/2006 dated 12.4.2010 on the above subject and to say that under Section 4(3) read with section 4(6) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, the following two conditions are required to be satisfied for recognition and vesting of forest rights in the forest dwelling Scheduled Tribes and other traditional forest dwellers in respect of forest land and their habitat:

- (i) they had occupied forest land before the 13<sup>th</sup> day of December, 2005; and
- (ii) they were in occupation of such land on the date of commencement of the Act, i.e., 31.12.2007.

In the case of the other traditional forest dwellers, the condition of at least three generations' stay (75 years) prior to the 13<sup>th</sup> day of December, 2005 is necessary.

2. In the case of *taungya* cultivators of the State, if the above conditions are not satisfied, they would not be eligible for recognition of forest rights over forest land under their occupation under the Act.

Yours faithfully,

  
06.05.10  
[ A.K. Srivastava ]  
Director  
Tele: 23387444