



**TRAINING FOR ALL (TFA)
INTENSIVE TRAINING PROGRAM (ITP)
TRIBAL WELFARE DEPARTMENT (TWD)
GOVERNMENT OF TELANGANA**

TRAINEE MATERIAL

**TRAINING COURSE ON
RECOGNITION OF FOREST RIGHTS ACT**

COMPILED BY

**TRIBAL CULTURAL RESEARCH AND TRAINING INSTITUTE
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GOVERNMENT OF TELANGANA
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THE GENESIS OF THE FOREST RIGHTS ACT: A HISTORICAL PERSPECTIVE

It is well established that the socio-economic, cultural, and material interests of people living close to or within a forest are inextricably linked to the forest's ecosystem. Forest dwellers benefit significantly from the use of a variety of forest resources, which they use for food, fodder, agriculture, and housing, and from the collection of a number of profitable minor forest products.

The colonial forest laws were adopted in post-Independence India's forest legislation. There was no departure from colonial forest policy, and in fact, independent India reinforced the principles of centralisation and exclusion, and the extraction of forest resources as part of its nation-building programmes. For example, the National Forest Policy of 1952 made no mention of regularising the rights of forest dwellers; rather, it emphasised production-forestry. It gave priority to ensuring a sustained supply of timber and other forest produce to meet the requirements of defence, communications, and industry. In the first two decades after Independence, India practised a highly centralised forest governance regime that did not take into account the rights of forest-dwelling communities. In addition, wildlife conservation groups lobbied to bring in the Wild Life (Protection) Act in 1972, which was an attempt to suggest that the coexistence of wildlife and forest dwellers was not possible. The eviction of forest dwellers from their lands provoked a series of movements of Scheduled Tribes and farmers across India in the subsequent decades.

The changing political culture and increasing pressure from protests led the state to rethink its forest policy. It began with the publication of the *29th Report of the National Commission for Scheduled Castes and*

Scheduled Tribes, 1989, which recommended a framework to address the rights of Scheduled Tribes over forest land and settle disputed claims across India. This resulted in the MoEF issuing circulars on September 18, 1990 providing guidelines for the regularisation of pre-1980 claims.

For most the tribal areas, record of rights did not exist due to which the rights of the tribals could not be settled during the process of consolidation of forests in the country. Therefore the rural people, especially the tribals who have been living in the forests since time immemorial, were deprived of their traditional rights and livelihood and consequently, the tribals have become encroachers in the eyes of law.

The drafting of the FRA actually emerged from the struggle for implementation of orders issued by the Ministry of Environment and Forests (MoEF) in 1990. Dr.B.D.Sharma, the then Commissioner for Scheduled Tribes and Scheduled Castes gave recommendations in 1990 focusing on the lack of settlement of land and forest rights as the main cause of tribal unrest in tribal areas and offered a plan for reconciliation of the interests of the tribal community and forestry development, largely through the economic development of the tribals by involving the tribals in the management and utilisation of forest resources. A Committee of Secretaries and the Cabinet approved these recommendations, based on which the MoEF issued guidelines for regularisation of forest land rights and for resolving conflicts related to forest land. The recommendations aimed at four main issues; (1) to regularise the pre 1980 'encroachment' of forest land by giving land titles to the settlers, (2) earlier Settlement Officers never ventured in remote areas and the STs and forest dwellers were flatly branded as 'encroachers'. Such disputes between the Forest Department and local inhabitants need to be settled along with all disputed claims over forest land arising out of faulty forest settlements, (3) the Revenue department under the authority of Government has often distributed land, although such distributed land has on paper remained

'forest land' under the Forest Department. All these leases or 'pattas' were deemed illegal. Dr.B.D.Sharma pointed out that such land had been distributed under government authority and so the government must set its own house in order rather than victimise the forest dwellers. (4) To convert old habitations or 'forest villages' into revenue villages.

On 12th.December, 1996, the Supreme Court expanded the scope of the term 'forest' reinterpreting the Forest Conservation Act of 1980, included in its scope not only forests as mentioned in government records but all areas that are forests in the dictionary meaning of the term, irrespective of the nature of ownership and classification thereof and ordered that (1) no forest, National Park or Sanctuary can be de-reserved without the approval of the Supreme Court, (2) no non-forest activity is permitted in any National Park or Sanctuary even if prior approval under the Forest (Conservation) Act of 1980 has been obtained, (3) an interim order in 2000 prohibited the removal of any dead or decaying trees, grasses, driftwood etc. from any area comprising a National Park or Sanctuary. It was also directed that if any order to the contrary had been passed by any State Government or other authorities, that order shall be stayed. Since 1996 public interest litigation over forest use led to unprecedented action by the Supreme Court and issued sweeping directives to oversee enforcement of forest laws across India and as a result all regularisations and conversion of forest villages were stayed, and it also precipitated a livelihood crisis for 3.5 to 4 million people who were denied removal of any forest produce from the protected areas. On 3rd May 2002, MoEF issued a letter to the State Governments and union territories to remove all encroachments which are ineligible for regularisation in a time bound manner by 30th September, 2002, explaining that such encroachments "cause great harm to forest conservation and are also seriously threatening the continuity of the Wild Life corridors between various National Parks and Sanctuaries".

Millions of forest dwellers and forest adjacent populations were seen as illegal 'encroachers' to be evicted under this order. Evictions were attempted in many states leading to pauperisation, deaths and intense conflict. Ultimately evictions had to be stopped due to widespread mass agitation which was gathering increasing momentum. A complementary role was also played by independent corroboration of the injustice perpetrating tribal life, Dr.B.D.Sharma, the then Commissioner of Scheduled Castes and Scheduled Tribes wrote to the Prime Minister that his office has been completely bypassed by the MoEF, even on matters which were consequential to tribal welfare. After the attempted evictions in 2002, the ensuing uproar radicalised and mobilised popular movements and a new common cause was recognised between forest dependent groups across the country. This resulted in the formation of a coalition in 2003 – Campaign for Survival and Dignity (CSD). The CSD represented a loose federation of grassroots organisations and people's movements spread across the ten states where the issues were most widespread.



The CSD's initial demand was time bound implementation of the 1990 orders, although gradually this became converted into a demand for a new law due to the apprehension that the orders could remain unimplemented as in the past. However, organisations like the CSD remain conscious that "Our rights will not be recognised unless we fight for them on the ground; the law is but a tool, not a solution in itself. The FRA emphasises legal recognition and recording of rights of tribes, which

is a necessary first step in bringing control over forests back to the people, but it is above all a tool of struggle”.

The MoEF, on July 21, 2004, submitted an affidavit to the Supreme Court clarifying the intentions of the Central Government behind the guidelines issued on February 5, 2004 for “regularisation of Rights of Tribals” and emphasising the need for “recognition that the historic injustice done to the tribal forest dwellers through non-recognition of their traditional rights must be finally rectified”. On December 21, 2004 the MoEF issued a circular to all State Governments and union territories regarding discontinuance of eviction of tribals and explained “...State/UT governments were not able to distinguish between the encroachers, and the original tribals and other forest dwellers living on forest lands since time immemorial. The Central Government is convinced that the difficulty in distinguishing between genuine tribals/forest dwellers and ineligible encroachers by the State Governments/ Union Territory Administrations is the main cause of the problems of tribals, as an interim measure, the State Governments/Union Territory Administrations should not resort to eviction of tribal people and forest dwellers other than ineligible encroachers till the complete survey is done for the recognition of such people and their rights...”

All this ultimately led to instruct the MoTA on 19th January 2005 to draft the Forest Rights bill. The procedural guidelines developed by the CSD for implementing the 1990 orders were converted into the first draft of the FRA with the major change that instead of the MoEF, the Ministry of Tribal Affairs should be the nodal agency for tabling and implementing the law. The draft Bill was initially titled “The Scheduled Tribes (Recognition of Forest Rights) Bill 2005,” and was introduced by the MoTA during the winter session of Parliament on December 13, 2005. Political parties across the spectrum raised several pertinent issues, such as the title of the Bill, the cut-off date for recognition of forest rights, and the inclusion of other traditional forest-dwelling communities in the list of beneficiaries.

After much discussion and a series of deliberations, both within and outside Parliament, on the nature and process of recognition of forest rights, the Bill was finally passed in Parliament on December 15, 2006 as the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 and received the approval of the President on December 29, 2006. The rules of its implementation were finalised in December 2007, and the Act came into force from 31-12-2007 and the Rules with effect from January 1, 2008.

ACT AND RULES

An Act to recognise and vest the forest rights and occupation in forest land in forest-dwelling Scheduled Tribes and other traditional forest dwellers who have been residing in such forests for generations but whose rights could not be recorded.

The FRA is not a land distribution Act; rather, it recognises the pre-existing rights that forest dwellers enjoyed before colonial rule. The preamble further emphasises that the non-regularisation and non-recognition of forest dwellers' rights over forest lands, both during the colonial period and in independent India, have resulted in historical injustice to forest-dwelling communities. This Act is an attempt to address this historical injustice by recognising and vesting in forest dwellers rights over all types of forests, irrespective of their ownership and classification. A careful reading of Section 2(a) of the FRA suggests that forest dwellers are eligible to claim not only their rights over the forest land within the boundary of their respective revenue villages, but also are entitled to own, access, use, and manage their forest land within the traditional and customary boundaries of the village, irrespective of the classification of the forest.

The Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (Act 2 of 2007)

An Act to recognise and vest the forest rights and occupation in forest land in Forest dwelling Scheduled Tribes and other traditional forest dwellers who have been residing in such forests for generations but whose rights could not be recorded; to provide for a framework for recording the forest rights so vested and the nature of evidence required for such recognition and vesting in respect of forest land .

WHEREAS the recognised rights of the forest dwelling Scheduled Tribes and other traditional forest dwellers include the responsibilities and authority for sustainable use, conservation of biodiversity and maintenance of ecological balance and thereby strengthening the conservation regime of the forests while ensuring livelihood and food security of the forest dwelling Scheduled Tribes and other traditional forest dwellers;

AND WHEREAS the forest rights on ancestral lands and their habitat were not adequately recognised in the consolidation of State forests during the colonial period as well as in independent India resulting in historical injustice to the forest dwelling Scheduled Tribes and other traditional forest dwellers who are integral to the very survival and sustainability of the forest ecosystem;

Whereas it has become necessary to address the long standing insecurity of tenurial and access rights of forest dwelling Scheduled Tribes and other Traditional forest dwellers including those who were forced to relocate their dwelling due to State development interventions.

BE it enacted by Parliament in the Fifty-seventh Year of the Republic of India as follows:

CHAPTER – 1 Preliminary

1. Short title and commencement: - This Act may be called the Scheduled Tribes and Other Traditional Forest Dwellers {Recognition of Forest Rights) Act, 2006.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. Definition: In this Act, unless the context otherwise requires,-

(a) "community forest resource" means customary common forest land within the traditional or customary boundaries of the village or seasonal use of landscape in the case of pastoral communities, including reserved forests, protected forests and protected areas such as Sanctuaries and National Parks to which the community had traditional access;

(b) "critical wildlife habitat" means such areas of National Parks and Sanctuaries where it has been specifically and clearly established, case by case, on the basis of scientific and objective criteria, that such areas are required to be kept as inviolate for the purposes of wildlife conservation as may be determined and notified by the Central Government in the Ministry of Environment and Forests after open process of consultation by an Expert Committee, which includes experts from the locality appointed by that Government wherein a representative of the Ministry of Tribal Affairs shall also be included, in determining such areas according to the procedural requirements arising from sub-sections (1) and (2) of section 4;

(c) "Forest dwelling Scheduled Tribes" means the members or community of the Scheduled Tribes who primarily reside in and who depend on the forests or forest lands for *bona fide* livelihood needs and includes the Scheduled Tribe pastoralist communities;

(d) "forest land" means land of any description falling within any forest area and includes unclassified forests, un-demarcated forests, existing or deemed forests, protected forests, reserved forests, Sanctuaries and National Parks;

(e) "forest rights" means the forest rights referred to in section 3;

(f) "forest villages" means the settlements which have been established inside the forests by the forest department of any State Government for forestry operations or which were converted into forest villages through the forest reservation process and includes forest settlement villages, fixed demand holdings, all types of *taungya* settlements, by whatever name called, for such villages and includes lands for cultivation and other uses permitted by the Government;

(g) "Gram Sabha" means a village assembly which shall consist of all adult members of a village and in case of States having no Panchayats, Padas, Tolas and other traditional village institutions and elected village committees, with full and unrestricted participation of women;

(h) "habitat" includes the area comprising the customary habitat and such other habitats in reserved forests and protected forests of primitive tribal

groups and pre-agricultural communities and other forest dwelling Scheduled Tribes;

(i) "minor forest produce" includes all non-timber forest produce of plant origin including bamboo, brush wood, stumps, cane, tussar, cocoons, honey, wax, lac, tendu or kendu leaves, medicinal plants and herbs, roots, tubers and the like;

(j) "nodal agency" means the nodal agency specified in section 11;

(k) "notification" means a notification published in the Official Gazette;

(l) "prescribed" means prescribed by rules made under this Act;

(m) "Scheduled Areas" means the Scheduled Areas referred to in clause (1) of Article 244 of the Constitution;

(n) "sustainable use" shall have the same meaning as assigned to it in clause (o) of section 2 of the Biological Diversity Act, 2002;

(o) "other traditional forest dweller" means any member or community who has for at least three generations prior to the 13th day of December, 2005 primarily resided in and who depend on the forest or forests land for *bona fide* livelihood needs.

Explanation.-For the purpose of this clause, "generation" means a period comprising of twenty-five years;

(p) "village" means-

(i) a village referred to in clause (b) of section 4 of the Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996; or

(ii) any area referred to as a village in any State law relating to Panchayats other than the Scheduled Areas; or

(iii) forest villages, old habitation or settlements and unsurveyed villages, whether notified as village or not; or

(iv) in the case of States where there are no Panchayats, the traditional village, by whatever name called;

(q) "wild animal" means any species of animal specified in Schedules I to IV of the Wild Life (Protection) Act, 1972 and found wild in nature:.

CHAPTER II FOREST RIGHTS

3. (1) For the purposes of this Act, the following rights, which secure individual or community tenure or both, shall be the forest rights of forest dwelling Scheduled Tribes and other traditional forest dwellers on all forest lands, namely:-

(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 Tribe 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;

(e) rights including community tenures of habitat and habitation for primitive tribal groups and pre-agricultural communities;

(j) rights in or over disputed lands under any nomenclature in any State where claims are disputed;

(g) rights for conversion of *Pattas* or leases or grants issued by any local authority or any State Government on forest lands to titles;

(h) rights of settlement and conversion of all forest villages, old habitation, unsurveyed villages and other villages in forests, whether recorded, notified or not into revenue villages;

(i) right to protect, regenerate or conserve or manage any community forest resource which they have been traditionally protecting and conserving for sustainable use;

(j) rights which are recognised under any State law or laws of any Autonomous District Council or Autonomous Regional Council or which are accepted as rights of tribals under any traditional or customary law of the concerned tribes of any State;

(k) right of access to biodiversity and community right to intellectual property and traditional knowledge related to biodiversity and cultural diversity;

(l) any other traditional right customarily enjoyed by the forest dwelling Scheduled Tribes or other traditional forest dwellers, as the case may be, which are not mentioned in clauses (a) to (k) but excluding the traditional right of hunting or trapping or extracting a part of the body of any species of wild animal;

{m) right to *in situ* rehabilitation including alternative land in cases where the Scheduled Tribes and other traditional forest dweller have been illegally evicted or displaced from forest land of any description without receiving their legal entitlement to rehabilitation prior to the 13th day of December, 2005.

(2) Notwithstanding anything contained in the Forest (Conservation) Act, 1980, the Central Government shall provide for diversion of forest land for the following facilities managed by the Government which involve felling of trees not exceeding seventy-five trees per hectare, namely:-

(a) schools;

(b) dispensary or hospital;

(c) *anganwadis*;

(d) fair price shops;

(e) electric and telecommunication lines;

(j) tanks and other minor water bodies;

(g) drinking water supply and water pipelines;

(h) water or rain water harvesting structures;

(i) minor irrigation canals;

(j) non-conventional source of energy;

(k) skill upgradation or vocational training centres;

(l) roads; and

(m) community centres:

Provided that such diversion of forest land shall be allowed only if,-

(i) the forest land to be diverted for the purposes mentioned in this subsection is less than one hectare in each case; and

(ii) the clearance of such developmental projects shall be subject to the condition that the same is recommended by the Gram Sabha.

CHAPTER III RECOGNITION, RESTORATION AND VESTING OF FOREST RIGHTS AND RELATED MATTERS

4. (1) Notwithstanding anything contained in any other law for the time being in force, and subject to the provisions of this Act, the Central Government hereby recognises and vests forest rights in-

(a) the forest dwelling Scheduled Tribes in States or areas in States where they are declared as Scheduled Tribes in respect of all forest rights mentioned in section 3;

(b) the other traditional forest dwellers in respect of all forest rights mentioned in section 3.

(2) The forest rights recognised under this Act in critical wildlife habitats of National Parks and Sanctuaries may subsequently be modified or resettled, provided that no forest rights holders shall be resettled or have their rights in any manner affected for the purposes of creating inviolate areas for wildlife conservation except in case all the following conditions are satisfied, namely:-

(a) the process of recognition and vesting of rights as specified in section 6 is complete in all the areas under consideration;

(b) it has been established by the concerned agencies of the State Government, in exercise of their powers under the Wild Life (Protection) Act, 1972 that the activities or impact of the presence of holders of rights upon wild animals is sufficient to cause irreversible damage and threaten the existence of said species and their habitat;

(c) the State Government has concluded that other reasonable options, such as, co-existence are not available;

(d) a resettlement or alternatives package has been prepared and communicated that provides a secure livelihood for the affected individuals and communities and fulfils the requirements of such affected individuals and communities given in the relevant laws and the policy of the Central Government;

(e) the free informed consent of the Gram Sabhas in the areas concerned to the proposed resettlement and to the package has been obtained in writing;

(f) no resettlement shall take place until facilities and land allocation at the resettlement location are complete as per the promised package:

Provided that the critical wildlife habitats from which rights holders are thus relocated for purposes of wildlife conservation shall not be subsequently diverted by the State Government or the Central Government or any other entity for other uses.

(3) The recognition and vesting of forest rights under this Act to the forest dwelling Scheduled Tribes and to other traditional forest dwellers in relation to any State or Union territory in respect of forest land and their habitat shall be subject to the condition that such Scheduled Tribes or tribal communities or other traditional forest dwellers had occupied forest land before the 13th day of December, 2005.

(4) A right conferred by sub-section (1) shall be heritable but not alienable or transferable and shall be registered jointly in the name of both the spouses in case of married persons and in the name of the single head in the case of a household headed by a single person and in the absence of a direct heir, the heritable right shall pass on to the next-of-kin.

(5) Save as otherwise provided, no member of a forest dwelling Scheduled Tribe or other traditional forest dweller shall be evicted or removed from forest land under his occupation till the recognition and verification procedure is complete.

(6) Where the forest rights recognised and vested by sub-section (1) are in respect of land mentioned in clause (a) of sub-section (1) of section 3 such land shall be under the occupation of an individual or family or community on the date of commencement of this Act and shall be restricted to the area under actual occupation and shall in no case exceed an area of four hectares.

(7) The forest rights shall be conferred free of all encumbrances and procedural requirements, including clearance under the Forest (Conservation) Act, 1980, requirement of paying the 'net present value' and 'compensatory afforestation' for diversion of forest land, except those specified in this Act.

(8) The forest rights recognised and vested under this Act shall include the right of land to forest dwelling Scheduled Tribes and other traditional

forest dwellers who can establish that they were displaced from their dwelling and cultivation without land compensation due to State development interventions, and where the land has not been used for the purpose for which it was acquired within five years of the said acquisition.

5. The holders of any forest right, Gram Sabha and village level institutions in areas where there are holders of any forest right under this Act are empowered to--

(a) protect the wild life, forest and biodiversity;

(b) ensure that adjoining catchments area, water sources and other ecological sensitive areas are adequately protected;

(c) ensure that the habitat of forest dwelling Scheduled Tribes and other traditional forest dwellers is preserved from any form of destructive practices affecting their cultural and natural heritage;

(d) ensure that the decisions taken in the Gram Sabha to regulate access to community forest resources and stop any activity which adversely *affects* the wild animals, forest and the biodiversity are complied with.

CHAPTER IV AUTHORITIES AND PROCEDURE FOR VESTING OF FOREST RIGHTS

6. (1) The Gram Sabha shall be the authority to initiate the process for determining the nature and extent of individual or community forest rights or both that may be given to the forest dwelling Scheduled Tribes and other traditional forest dwellers within the local limits of its jurisdiction under this Act by receiving claims, consolidating and verifying them and preparing a map delineating the area of each recommended claim in such manner as may be prescribed for exercise of such rights and the Gram Sabha shall, then, pass a resolution to that effect and thereafter forward a copy of the same to the Sub-Divisional Level Committee.

(2) Any person aggrieved by the resolution of the Gram Sabha may prefer a petition to the Sub-Divisional Level Committee constituted under subsection (3) and the Sub-Divisional Level Committee shall consider and dispose of such petition:

Provided that every such petition shall be preferred within sixty days from the date of passing of the resolution by the Gram Sabha:

Provided further that no such petition shall be disposed of against the aggrieved person, unless he has been given a reasonable opportunity to present his case.

(3) The State Government shall constitute a Sub-Divisional Level Committee to examine the resolution passed by the Gram Sabha and prepare the record of forest rights and forward it through the Sub-Divisional Officer to the District Level Committee for a final decision.

(4) Any person aggrieved by the decision of the Sub-Divisional Level Committee may prefer a petition to the District Level Committee within sixty days from the date of decision of the Sub-Divisional Level Committee and the District Level Committee shall consider and dispose of such petition:

Provided that no petition shall be preferred directly before the District Level Committee against the resolution of the Gram Sabha unless the same has been preferred before and considered by the Sub-Divisional Level Committee:

Provided further that no such petition shall be disposed of against the aggrieved person, unless he has been given a reasonable opportunity to present his case.

(5) The State Government shall constitute a District Level Committee to consider and finally approve the record of forest rights prepared by the Sub-Divisional Level Committee.

(6) The decision of the District Level Committee on the record of forest rights shall be final and binding.

(7) The State Government shall constitute a State Level Monitoring Committee to monitor the process of recognition and vesting of forest rights and to submit to the nodal agency such returns and reports as may be called for by that agency.

(8) The Sub-Divisional Level Committee, the District Level Committee and the State Level Monitoring Committee shall consist of officers of the departments of Revenue, Forest and Tribal Affairs of the State Government and three members of the Panchayati Raj Institutions at the appropriate level, appointed by the respective Panchayati Raj Institutions, of whom two shall be the Scheduled Tribe members and at least one shall be a woman, as may be prescribed.

(9) The composition and functions of the Sub-Divisional Level Committee, the District Level Committee and the State Level Monitoring Committee and the procedure to be followed by them in the discharge of their functions shall be such as may be prescribed.

CHAPTER V OFFENCES AND PENALTIES

7. Where any authority, or Committee or officer or member of such authority or Committee contravenes any provision of this Act or any rule made there under concerning recognition of forest rights, it, or they, shall be deemed to be guilty of an offence under this Act and shall be liable to be proceeded against and punished with fine which may extend to one thousand Rupees:

Provided that nothing contained in this sub-section shall render any member of the authority or Committee or head of the department or any person referred to in this section liable to any punishment if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

8. No court shall take cognizance of any offence under section 7 unless any forest dwelling Scheduled Tribe in case of a dispute relating to a resolution of a Gram Sabha or the Gram Sabha through a resolution against any higher authority gives a notice of not less than sixty days to the State Level Monitoring Committee and the State Level Monitoring Committee has not proceeded against such authority.

CHAPTER VI MISCELLANEOUS

9. Every member of the authorities referred to in Chapter IV and every other officer exercising any of the powers conferred by or under this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

10. (1) No suit, prosecution or other legal proceeding shall lie against any officer or other employee of the Central Government or the State Government for anything which is in good faith done or intended to be done by or under this Act.

(2) No suit or other legal proceeding shall lie against the Central Government or the State Government or any of its officers or other employees for any damage caused or likely to be caused by anything which is in good faith done or intended to be done under this Act.

(3) No suit or other legal proceeding shall lie against any authority as referred to in Chapter IV including its Chairperson, members, member-secretary, officers and other employees for anything which is in good faith done or intended to be done under this Act.

11. The Ministry of the Central Government dealing with Tribal Affairs or any officer or authority authorised by the Central Government in this behalf shall be the nodal agency for the implementation of the provisions of this Act.

12. In the performance of its duties and exercise of its powers by or under this Act, every authority referred to in Chapter IV shall be subject to such general or special directions as the Central Government may, from time to time, give in writing.

13. Save as otherwise provided in this Act and the Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996, the provisions of this Act shall be in addition to and not in derogation of the provisions of any other law for the time being in force.

14. (1) The Central Government may, by notification, and subject to the condition of previous publication, make rules for carrying out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely:-

(a) procedural details for implementation of the procedure specified in section 6;

(b) the procedure for receiving claims, consolidating and verifying them and preparing a map delineating the area of each recommended claim for exercise of forest rights under sub-section (1) of section 6 and the manner of preferring a petition to the Sub-Divisional Committee under sub-section (2) of that section;

(c) the level of officers of the departments of Revenue, Forest and Tribal Affairs of the State Government to be appointed as members of the Sub-Divisional Level Committee, the District Level Committee and the State Level Monitoring Committee under sub-section (8) of section 6;

(d) the composition and functions of the Sub Divisional Level Committee, the District Level Committee and the State Level Monitoring Committee and the procedure to be followed by them in the discharge of their functions under sub-section (9) of section 6;

(e) any other matter which is required to be, or may be, prescribed.

(3) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be

comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

K. N. CHATIJRVEDI,
Secy. to the Govt. of India.

**Scheduled Tribes and Other Traditional Forest Dwellers
(Recognition of Forest Rights) Rules, 2007 (as amended)**

**GOVERNMENT OF INDIA
MINISTRY OF TRIBAL AFFAIRS**

New Delhi, the 1st January, 2008

NOTIFICATION

G.S.R. _____ (E) _____ WHEREAS the draft Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2007 were published, as required by sub-section (1) of section 14 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (2 of 2007) under the notification of the Government of India in the Ministry of Tribal Affairs number GS.R.437(E), dated the 19th June, 2007 in the Gazette of India, Part II. Section 3, sub-section (i) of the same date, inviting objections and suggestions from all persons likely to be affected thereby, before the expiry of the period of forty-five days from the date on which the copies of the Gazette containing the said notification are made available to the public;

AND WHEREAS copies of the said Gazette were made available to the public on 25.06.2007;

AND WHEREAS the objections and suggestions received from the public in respect of the said draft rules have been duly considered by the Central Government;

NOW, THEREFORE, in exercise of the powers conferred by sub-sections (1) and (2) of section 14 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (2 of 2007), the Central Government hereby makes the following rules for recognizing and vesting the forest rights and occupation in forest land In forest dwelling Scheduled Tribes and other traditional forest dwellers residing In such forests, namely:-

1. Short title, extent and commencement -

- (1) These rules may be called the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2007.
- (2) They shall extend to the whole of India except the State of Jammu and Kashmir.

(3) They shall come into force on the date of their publication in the Official Gazette.

2. **Definitions -**

(1) In these rules, unless the context otherwise requires,

- a. "Act" means the Scheduled Tribes and Other Traditional Forest (Recognition of Forest Rights) Act, 2006 (2 of 2007);
- b. '(b) "bona fide livelihood needs" means fulfilment of livelihood needs of self and family through exercise of any of the rights specified in sub-section (1) of section 3 of the Act and includes sale of surplus produce arising out of exercise of such rights;
- c. claimant" means an individual, group of individuals, family or community making a claim for recognition and vesting of rights listed in the Act;

'(ca) "community rights" means the rights listed in clauses (b), (c), (d), (e), (h), (i), (j), (k) and (l) of sub-section (1) of section 3;

- d. disposal of minor forest produce" under clause (c) of sub-section (1) of section 3 shall include right to sell as well as individual or collective processing, storage, value addition, transportation within and outside forest area through appropriate means of transport for use of such produce or sale by gatherers or their cooperatives or associations or federations for livelihood.'

Explanation. 1) The transit permit regime in relation to transportation of minor forest produce shall be modified and given by the Committee constituted under clause (e) of sub-rule (1) of rule 4 or the person authorized by the Gram Sabha,

(2) This procedural requirement of transit permit in no way shall restrict or abridge the right to disposal of minor forest produce,

(3) The collection of minor forest produce shall be free of all royalties or fees or any other charges;

- e. "Forest Rights Committee" means a committee constituted by the Gram Sabha under rule 3;

f. "section" means the section of the Act

(2) The words and expressions used and not defined in these rules but

defined in the Act shall have the meanings respectively assigned to them in the Act.

2A Identification of hamlets or settlements and process of their consolidation

The State Government shall ensure that, -

- a) every panchayat, within its boundaries, prepares a list of group of hamlets or habitations, unrecorded or unsurveyed settlements or forest villages or taungya villages, formally not part of any Revenue or Forest village record and have this list passed by convening Gram Sabha of each such habitation, hamlets or habitations included as villages for the purpose of the Act through a resolution in the Panchayat and submit such list to Sub Division Level Committee.
- b) the Sub-Divisional Officers of the Sub Division Level Committee consolidate the lists of hamlets and habitations which at present are not part of any village but have been included as villages within the Panchayat through a resolution, and are formalized as a village either by adding to the existing village or otherwise after following the process as provided in the relevant State laws and that the lists are finalized by the District Level Committee after considering public comments, if any.
- c) on finalization of the lists of hamlets and habitations, the process of recognition and vesting of rights in these hamlets and habitations is undertaken without disturbing any rights, already recognized.

3. Gram Sabha:

(1) The Gram Sabhas shall be convened by the Gram Panchayat and in its first meeting it shall elect from amongst its members, a committee of not less than ten but not exceeding fifteen persons as members of the Forest Rights Committee, wherein at least two-third members shall be the Scheduled Tribes.

Provided that not less than one-third of such members shall be women:

Provided further that where there are no Scheduled Tribes, at least one-third of such members shall be women.

(2) The Forest Rights Committee shall decide on a chairperson and a secretary and intimate it to the Sub-Divisional Level Committee.

(3) When a member of the Forest Rights Committee is also a claimant of individual forest right, he shall inform the Committee and shall not participate in the verification proceedings when his claim is considered.

(4) The Forest Rights Committee shall not reopen the forest rights recognized or the process of verification of the claims already initiated before the date of coming into force of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendments Rules, 2012.

4. Functions of the Gram Sabha -

(1) The Gram Sabha shall –

(a) initiate the process of determining the nature and extent of forest rights, receive and hear the claims relating thereto;

(b) prepare a list of claimants of forests rights and maintain a register containing such details of claimants and their claims as the Central Government may by order determine;

(c) pass a resolution on claims on forest rights after giving reasonable opportunity to interested persons and authorities concerned and forward the same to the Sub-Divisional Level Committee;

(d) consider resettlement packages under clause (e) of sub section (2) of section 4 of the Act and pass appropriate resolutions; and

(e) Constitute Committees for the protection of wildlife, forest and biodiversity, from amongst its members, in order to carry out the provisions of section 5 of the Act.

(f) monitor and control the committee constituted under clause (e) which shall prepare a conservation and management plan for community forest resources in order to sustainably and equitably manage such community forest resources for the benefit of forest dwelling Scheduled Tribes and other Traditional Forest Dwellers and integrate such conservation and

management plan with the micro plans or working plans or management plans of the forest department with such modifications as may be considered necessary by the committee.

(g) approve all decisions of the committee pertaining to issue of transit permits, use of income from sale of produce, or modification of management plans.

(2) The quorum of the Gram Sabha meeting shall not be less than one-half of all members of such Gram Sabha:

Provided that at least one-third of the members present shall be women:

Provided further that where any resolutions in respect of claims to forest rights are to be passed, at least fifty per cent of the claimants to forest rights or their representatives shall be present:

Provided also that such resolutions shall be passed by a simple majority of those present and voting”.

(3) The Gram Sabha shall be provided with the necessary assistance by the authorities in the State.

5. Sub-Divisional Level Committee

The State Government shall constitute Sub-Divisional Level Committee with the following members, namely:-

- (a) Sub-Divisional Officer or equivalent officer - Chairperson;
- (b) Forest Officer in charge of a Sub-division or equivalent officer - member;
- (d) three members of the Block or Tehsil level Panchayats to be nominated by the District Panchayat of whom at least two shall be the Scheduled Tribes preferably those who are forest dwellers, or who belong to the primitive tribal groups and where there are no Scheduled Tribes, two members who are preferably other traditional forest dwellers, and one shall be a woman member; or in areas covered under the Sixth Schedule to the Constitution, three members nominated by the Autonomous District Council or Regional Council or other appropriate zonal level, of whom at least one shall be a woman member; and

- (e) an officer of the Tribal Welfare Department in-charge of the Sub-division or where such officer is not available the officer in-charge of the tribal affairs.

6. Functions of the Sub-Divisional Level Committee

The Sub-Divisional Level Committee (SDLC) shall -

- (a) provide information to each Gram Sabha about their duties and duties of holder of forest rights and others towards protection of wildlife, forest and biodiversity with reference to critical flora and fauna which need to be conserved and protected;
- (b) provide forest and revenue maps and electoral rolls to the Gram Sabha or the Forest Rights Committee;
- (c) collate all the resolutions of the concerned Gram Sabhas;
- (d) consolidate maps and details provided by the Gram Sabhas;
- (e) examine the resolutions and the maps of the Gram Sabhas to ascertain the veracity of the claims;
- (f) hear and adjudicate disputes between Gram Sabhas on the nature and extent of any forest rights;
- (g) hear petitions from persons, including State agencies, aggrieved by the resolutions of the Gram Sabhas;
- (h) co-ordinate with other Sub-Divisional Level Committees for inter sub- divisional claims;
- (i) prepare block or tehsil-wise draft record of proposed forest rights after reconciliation of government records;
- (j) forward the claims with the draft record of proposed forest rights through the Sub-Divisional Officer to the District Level Committee for final decision;
- (k) raise awareness among forest dwellers about the objectives and procedures laid down under the Act and in the rules;
- (l) ensure easy and free availability of proforma of claims to the claimants as provided in Annexure-I (Forms A, B and C) of these rules.”
- (m) ensure that the Gram Sabha meetings are conducted in free, open and fair manner with requisite quorum.

7. District Level Committee

The State Government shall constitute District Level Committee (DLC) with the following members, namely:

- (a) District Collector or Deputy Commissioner-Chairperson;
- (b) concerned Divisional Forest Officer or concerned Deputy Conservator of Forest - member;
- (c) three members of the district panchayat to be nominated by the district panchayat, of whom at least two shall be the Scheduled Tribes preferably those who are forest dwellers, or who belong to members of the primitive tribal groups, and where there are no Scheduled Tribes, two members who are preferably other traditional forest dwellers, and one shall be a woman member; or in areas covered under the Sixth Schedule to the Constitution, three members nominated by the Autonomous District Council or Regional Council of whom at least one shall be a woman member; and
- (d) an officer of the Tribal Welfare Department in-charge of the district or where such officer is not available, the officer in charge of the tribal affairs.

8. Functions of District Level Committee

The District Level Committee shall -

- (a) ensure that the requisite information under clause (b) of rule 6 has been provided to Gram Sabha or Forest Rights Committee;
- (b) examine whether all claims, especially those of primitive tribal groups, pastoralists and nomadic tribes, have been addressed keeping in mind the objectives of the Act;
- (c) consider and finally approve the claims and record of forest rights prepared by the Sub-Divisional Level Committee
- (d) hear petitions from persons aggrieved by the orders of the Sub-Divisional Level Committee;
- (e) co-ordinate with other districts regarding inter-district claims;
- (f) issue directions for incorporation of the forest rights in the relevant government records including record of rights;
- (g) ensure publication of the record of forest rights as may be finalized;

- (h) ensure that a certified copy of the record of forest rights and title under the Act, as specified in Annexures **II** & **III** to these rules, is provided to the concerned claimant and the Gram Sabha respectively; and
- (i) ensure that a certified copy of the record of the right to community forest resource and title under the Act, as specified in Annexure IV to these rules, is provided to the concerned Gram Sabha or the community whose rights over community forest resource have been recognized under clause (i) of sub-section(1) of Section 3.

9. State Level Monitoring Committee

The State Government shall constitute a State Level Monitoring Committee with the following members, namely:-

- (a) Chief Secretary-Chairperson;
- (b) Secretary, Revenue Department - member,
- (c) Secretary, Tribal or Social Welfare Department - member;
- (d) Secretary, Forest Department - member,
- (e) Secretary, Panchayat Raj - member,
- (f) Principal Chief Conservator of Forests - member;
- (g) three Scheduled Tribes member of the Tribes Advisory Council, to be, nominated by the Chairperson of the Tribes Advisory Council and where there is no Tribes Advisory Council, three Scheduled Tribes members to be nominated by the State Government,
- (h) Commissioner, Tribal Welfare or equivalent who shall be the Member Secretary.

10. Functions of the State Level Monitoring Committee

The State Level Monitoring Committee shall -

- (a) devise criteria and indicators for monitoring the process of recognition and vesting of forest rights;
- (b) monitor the process of recognition, verification and vesting of forest rights in the State;
- (c) meet at least once in three months to monitor the process of recognition, verification and vesting of forest rights, consider and

address the field level problems, and furnish a quarterly report in the format appended as Annexure V to these rules, to the Central Government on their assessment regarding the status of claims, the compliance with the steps required under the Act, details of claims approved, reasons for rejection, if any and the status of pending claims.;

(d) on receipt of a notice as mentioned in section 8 of the Act, take appropriate actions against the concerned authorities under the Act;

(e) monitor resettlement under sub-section (2) of section 4 of the Act.

(f) specifically monitor compliance of the provisions contained in clause (m) of sub-section (1) of section 3 and sub-section (8) of section 4."

11. Procedure for filing, determination and verification of claims by the Gram Sabha.-

(1) The Gram Sabhas shall -

(a) call for claims and authorize the Forest Rights Committee to accept the claim in the Form as provided in Annexure-I of these rules and such claims shall be made within a period of three months from the date of such calling of claims along with at least two of the evidences mentioned in rule 13, shall be made within a period of three months:

Provided that the Gram Sabha may, if consider necessary, extend such period of three months after recording the reasons thereof in writing.

(b) fix a date for initiating the process of determination of its community forest resource and intimate the same to the adjoining Gram Sabhas where there are substantial overlaps, and the Sub-Divisional Level Committee.

(2) The Forest Rights Committee shall assist the Gram Sabha in its functions to-

(i) receive, acknowledge and retain the claims in the specified form and evidence in support of such claims;

(ii) prepare the record of claims and evidence including maps;

(iii) prepare a list of claimants on forest rights;

(iv) verify claims as provided in these rules;

- (v) present their findings on the nature and extent of the claim before the Gram Sabha for its consideration.
- (3) Every claim received shall be duly acknowledged in writing by the Forest Rights Committee.
- (4) The Forest Rights Committee shall also prepare the claims on behalf of Gram Sabha for community forest rights in Form B and the right over community forest resource under clause (i) of sub-section (1) of Section 3 in Form C" as provided in Annexure I of these Rules.
- (5) The Gram Sabha shall on receipt of the findings under clause (v) of sub-rule (2), meet with prior notice, to consider the findings of the Forest Rights Committee, pass appropriate resolutions, and shall forward the same to the Sub-Divisional Level Committee.
- (6) The Secretary of Gram Panchayat will also act as Secretary to the Gram Sabhas in discharge of its functions.

12. Process of verifying claims by Forest Rights Committee

- (1) The Forest Rights Committee shall, after due intimation to the concerned claimant and the Forest Department -
 - (a) visit the site and physically verify the nature and extent of the claim and evidence on the site;
 - (b) receive any further evidence or record from the claimant and witnesses;
 - (c) ensure that the claim from pastoralists and nomadic tribes for determination of their rights, which may either be through individual members, the community or traditional community *institution, are verified at a time* when such individuals, communities or their representatives are present;
 - (d) ensure that the claim from member of a primitive tribal group or pre-agricultural community for determination of their rights to habitat, which may through their community or traditional community Institution, are verified when such communities or their representatives are present; and
 - (e) prepare a map delineating the area of each claim indicating recognizable landmarks.

- (f) delineate the customary boundaries of the community forest resource with other members of the Gram Sabha including elders who are well versed with such boundaries and customary access,
- (g) prepare a community forest resource map with recognizable land marks and through substantial evidence as enumerated in sub-rule (2) of rule 13 and thereafter such community forest resource claim shall be approved by a resolution of the Gram Sabha passed by a simple majority.

Explanation: The delineation of community forest resource may include existing legal boundaries such as reserve forest, protected forest, National Parks and Sanctuaries and such delineation shall formalize and recognise the powers of the community in access, conservation and sustainable use of such community forest resources."

- (2) The Forest Rights Committee shall then record its findings on the claim and present the same to the Gram Sabha for its consideration.
- (3) If there are conflicting claims in respect of the traditional or customary boundaries of another village or if a forest area is used by more than one Gram Sabha, the Forest Rights Committees of the respective Gram Sabhas* shall meet jointly to consider the nature of enjoyment of such claims and submit the findings to the respective Gram Sabhas in writing:

Provided that if the Gram Sabhas are not able to resolve the conflicting claims, it shall be referred by the Gram Sabha to the Sub-Divisional Level Committee for its resolution.

- (4) On a written request of the Gram Sabha or the Forest Rights Committee for information, records or documents, the concerned authorities shall provide an authenticated copy of the same to the Gram Sabha or Forest Rights Committee, as the case may be, and facilitate its clarification, if required, through an authorised officer.

12 A. Process of recognition of right (1) On receipt of intimation from the Forest Rights Committee, the officials of the Forest and Revenue departments shall remain present during the verification of the claims and the verification of evidences on the site and shall sign the proceedings with their designation, date and comments, if any.

- (2) If any objections are made by the Forest or Revenue departments at a later date to a claim approved by the Gram Sabha, for the reason that their representatives were absent during field verification, the claim shall be remanded to the Gram Sabha for re-verification by the committee where objection has been raised and if the representatives again fail to attend the verification process the Gram Sabha's decision on the field verification shall be final.
- (3) In the event of modification or rejection of a claim by the Gram Sabha or a recommendation for modification or rejection of a claim forwarded by the Sub- Divisional Level Committee to the District Level Committee, such decision or recommendation on the claim shall be communicated in person to the claimant to enable him to prefer a petition to the Sub-Divisional Level Committee or District Level Committee as the case may be, within a period of sixty days which shall be extendable to a period of thirty days at the discretion of the above said committees.
- (4) If any other state agency desires to object to a decision of the Gram Sabha or the Sub-Divisional Level Committee, it shall file an appeal before the Sub-Divisional Level Committee or the District Level Committee, as the case may be, which shall be decided by the Committee (in the absence of the representative of the concerned agency, if any) after hearing the claimant.
- (5) No petition of the aggrieved person shall be disposed of, unless he has been given a reasonable opportunity to present anything in support of this claim.
- (6) The sub divisional level committee or the district level committee shall remand the claim to the Gram sabha for re-consideration instead of modifying or rejecting the same, in case the resolution or the recommendation of the Gram sabha is found to be incomplete or prima-facie requires additional examination.
- (7) In Cases where the resolution passed by the Gram Sabha, recommending a claim with Supporting documents and evidence, is upheld by the Sub-Divisional Level committee with or without modifications, but the same is not approved by the District Level Committee, the District Level Committee shall record detailed reasons for not accepting the recommendations of the Gram Sabha or the Sub-Divisional Level Committee as the case may be, in writing, and a copy of the order of the District Level Committee along with the reasons shall be made available to the claimant or the Gram Sabha or the Community as the case may be.
- (8) The land rights for self-cultivation recognised under clause (a) of

sub-section (1) of section 3 shall be, within the specified limit, including the forest lands used for allied activities ancillary to cultivation, such as, for keeping cattle, for winnowing and other post-harvest activities, rotational fallows, tree crops and storage of produce.

- (9) On completion of the process of settlement of rights and issue of titles as specified in Annexure II, III and IV of these rules, the Revenue and the Forest departments shall prepare a final map of the forest land so vested and the concerned authorities shall incorporate the forest rights so vested in the revenue and forest records, as the case may be, within the specified period of record updation under the relevant State laws or within a period of three months, whichever is earlier.
- (10) All decisions of the Sub-Divisional Level Committee and District Level that involve modification or rejection of a Gram Sabha resolution or recommendation of the Sub Divisional Level Committee shall give detailed reasons for such modification or rejection, as the case may be:

Provided that no recommendation or rejection of claims shall be merely on any technical or procedural grounds:

Provided further that no committee (except the Gram Sabha or the Forest Rights Committee) at the Block or Panchayat or forest beat or range level, or any individual officer of any rank shall be empowered to receive claims or reject, modify, or decide any claim on forest rights.

(11) The Sub-Divisional Level Committee or the District Level Committee shall consider the evidence specified in rule 13 while deciding the claims and shall not insist upon any particular form of documentary evidence for consideration of a claim.

Explanation: 1. Fine receipts, encroacher lists, primary offence reports, forest settlement reports, and similar documentation by whatever name called, arisen during prior official exercise, or the lack thereof, shall not be the sole basis for rejection of any claim. (2)The satellite imagery and other uses of technology may supplement other form of evidence and shall not be treated as a replacement.

12 B. Process of Recognition of Community Rights: (1) The

District Level Committee shall, in view of the differential vulnerability of Particularly Vulnerable Tribal Groups as described in clause (e) of sub-section (i) of section 3 amongst the forest dwellers, ensure that all Particularly Vulnerable Tribal Groups receive habitat rights, in consultation with the concerned traditional institutions of Particularly Vulnerable Tribal Groups and their claims for habitat rights are filed before the concerned Gram Sabhas, wherever necessary by recognizing floating nature of their Gram Sabhas.

- (2) The District Level Committee shall facilitate the filing of claims by pastoralists, transhumant and nomadic communities as described in clause (d) of sub-section (i) of section 3 before the concerned Gram Sabhas.
- (3) The District Level Committee shall ensure that the forest rights under clause (i) sub-section (1) of section 3 relating to protection, regeneration or conservation or management of any community forest resource, which forest dwellers might have traditionally been protecting and conserving for sustainable use, are recognized In all villages with forest dwellers and the titles are issued.
- (4) In case where no community forest resource rights are recognized in a village, the reasons for the same shall be recorded by the Secretary of the District **Level** Committee.
- (5) The conversion of forest villages, unrecorded settlement under clause (h) of section 3 shall include the actual land-use of the village in its entirety, including lands required for current or future community uses, like, schools, health facilities and public spaces.”

13. Evidence for determination of forest rights:-

- (1) The evidence for recognition and vesting of forest rights shall, inter alia, include
 - a) public documents, Government records such as Gazetteers, Census, survey and settlement reports, maps, satellite imagery, working plans, management plans, micro-plans, forest enquiry reports, other forest records, record of rights by whatever name called, *pattas* or leases, reports of committees and commissions constituted by the Government, Government orders, notifications, circulars, resolutions;

- b) Government authorized documents such as voter identity card, passport, house tax receipts, domicile certificates;
 - c) physical attributes such as house, huts and permanent improvements made to land including levelling, bunds, check darns and the like;
 - d) quasi-judicial and judicial records including court orders and judgments;
 - e) research studies, documentation of customs and traditions that illustrate the enjoyment of any forest rights and having the force of customary law, by reputed institutions, such as Anthropological Survey of India;
 - f) any record including maps, record of rights, privileges, concessions, favours, from erstwhile princely States or provinces or other such intermediaries;
 - g) traditional structures establishing antiquity such as wells, burial grounds, sacred places;
 - h) genealogy tracing ancestry to individuals mentioned in earlier land records or recognized as having been legitimate resident of the village at an earlier period of time;
 - i) statement of elders other than claimants, reduced in writing.
- (2) An evidence for Community Forest Resource shall, inter alia, include -
- (a) community rights such as nistar by whatever name called;
 - (b) traditional grazing grounds; areas for collection of roots and tubers, fodder, wild edible fruits and other minor forest produce; fishing grounds; irrigation systems; sources of water for human or livestock use, medicinal plant collection territories of herbal practitioners;
 - (c) remnants of structures built by the local community, sacred trees, groves and ponds or riverine areas, burial or cremation grounds;
 - (d) government records or earlier classification of current reserve forest as protected forest or as gochar or other village common lands, nistari forests;
 - (e) earlier or current practice of traditional agriculture."
- (3) The Gram Sabha, the Sub-Divisional Level Committee and the District Level Committee shall consider more than one of the

above-mentioned evidences in determining the forest rights.

14. Petitions to Sub-Divisional Level Committee

- (1) Any person aggrieved by the resolution of the Gram Sabha may within a period of sixty days from the date of the resolution file a petition to the Sub- Divisional Level Committee.
- (2) The Sub-Divisional Level Committee shall fix a date for the hearing and intimate the petitioner and the concerned Gram Sabha in writing as well as through a notice at a convenient public place in the village of the petitioner at least fifteen days prior to the date fixed for the hearing.
- (3) The sub-divisional level committee may either allow or reject or refer the petition to concerned Gram sabha for its reconsideration.
- (4) After receipt of such reference, the Gram sabha shall meet within a period of thirty days, hear the petitioner, pass a resolution on that reference and forward the same to the sub divisional level committee.
- (5) The sub-divisional level committee shall consider the resolution of the Gram Sabha and pass appropriate order, either accepting or rejecting the petition.
- (6) Without prejudice to the pending petitions, sub-divisional level committee shall examine and collate the records of forest rights of the other claimants and submit the same through the concerned sub-divisional officer to the district level committee.
- (7) In case of a dispute between two or more Gram sabhas and on an application of any of the Gram Sabhas or the Sub-Divisional Level Committee on its own, shall call for a joint meeting of the concerned Gram Sabhas with a view to resolving the dispute and if no mutually agreed solution can be reached within a period of thirty' days, the Sub-Divisional Level Committee shall decide the dispute after hearing the concerned Gram Sabhas and pass appropriate orders.

15. Petitions to District Level Committee

- (1) Any person aggrieved by the decision of the Sub-Divisional Level Committee may within a period of sixty days from the date of the decision of the Sub. Divisional Level Committee file a petition to the District Level Committee.

- (2) The District Level Committee shall fix a date for the hearing and intimate the petitioner and the concerned Sub-Divisional Level Committee in writing as well as through a notice at a convenient public place in the village of the petitioner at least fifteen days prior to the date fixed for the hearing.
- (3) The District Level Committee may either allow or reject or refer the petition to concerned Sub-Divisional Level Committee for its reconsideration.
- (4) After receipt of such reference, the Sub-Divisional Level Committee shall hear the petitioner and the Gram Sabha and take a decision on that reference and intimate the same to the District Level Committee.
- (5) The District Level Committee shall then consider the petition and Pass appropriate orders, either accepting or rejecting the petition.
- (6) The District Level Committee shall send the record of forest rights of the claimant or claimants to the District Collector or District Commissioner for necessary correction in the records of the Government.
- (7) In case there is a discrepancy between orders of two or more Sub-Divisional Level Committees, the District Level Committee on its own, shall call for a joint meeting of the concerned Sub-Divisional Level Committees with a view to reconcile the differences and if no mutually agreed solution can be reached, the District Level Committee shall adjudicate the dispute after hearing the concerned Sub-Divisional Level Committees and pass appropriate orders.

16. Post Claim support and handholding to holders of forest rights:

The State Government shall ensure through its departments especially tribal and social welfare, environment and forest, revenue, rural development, panchayat raj and other departments relevant to upliftment of forest dwelling scheduled tribes and other traditional forest dwellers, that all government schemes including those relating to land improvement, land productivity, basic amenities and other livelihood measures are provided to such claimants and communities whose rights have been recognized and vested under the Act.

The Scheduled Tribes and Other Traditional Forest Dwellers
(Recognition of Forest Rights) Rules 2007
Government of India
Ministry of Tribal Affairs

ANNEXURE-I
[See rule 6(1)]
FORM-A

CLAIM FORM FOR RIGHTS TO FOREST LAND

[See rule 11 (1)(a)]

1. Name of the claimant (s):
2. Name of the spouse
3. Name of father/mother
4. Address:
5. Village:
6. Gram Panchayat:
7. Tehsil/Taluka:
8. District:
9. (a) Scheduled Tribe: Yes/ No
(Attach authenticated copy of Certificate)
(b) Other Traditional Forest Dweller. Yes/ No
If a spouse is a Scheduled
Tribe (attach authenticated
copy of certificate)
10. Name of other members in
the family with age: (including
children and adult dependents)

Nature of claim on land:

1. Extent of forest land occupied
 - a) for habitation
 - b) for self-cultivation, if any:
(See Section 3(1) (a) of the Act)
2. disputed lands if any:
(See Section 3(1) (f) of the Act)
3. Pattas/ leases/ grants, if any:
(See Section 3(1)(g) of the Act)
4. Land for in situ rehabilitation or alternative land, if any: (See Section 3(1)(m) of the Act)
5. Land from where displaced without land compensation: (See Section 4(8) of the Act)
6. Extent of land in forest villages, if any:
(See Section 3(1)(h) of the Act)
7. Any other traditional right if any:
(See Section 3(1)(l) of the Act)
8. Evidence in support :
(See Rule 13)
9. Any other Information :

Signature/Thumb Impression of the Claimant (s)

The Scheduled Tribes and Other Traditional Forest Dwellers
(Recognition of Forest Rights) Rules 2007
Government of India
Ministry of Tribal Affairs

FORM-B
CLAIM FORM FOR COMMUNITY RIGHTS
(See Rule 11(1) (a) and (4))

1. Name of the claimant (s):
 - a. FDST community: Yes/ No
 - b. OTFD community: Yes/ No
2. Village:
3. Gram Panchayat:
4. Tehsil/Taluka:
5. District:

Nature of community rights enjoyed:

1. Community rights such as nistar; if any. (See Section 3(1)(b) of the Act)
2. Rights over minor forest produce, if any: (See Section 3(1)(c) of the Act)
3. Community rights
 - a. uses or entitlements (fish, water bodies), if any:
 - b. Grazing, if any
 - c. Traditional resource access for nomadic and pastoralist, if any: (See Section 3 (1) (g) of the Act)
4. Community tenures of habitat and habitation for PTGs and pre-agricultural communities, if any: (See Section 3(1) (e) of the Art)

5. Right to access biodiversity, intellectual property and traditional knowledge, if any: (See Section 3 (1)(k) of the Act)
6. Other traditional right, if any. (See Section 3(1)(l) of the Act)
7. Evidence in support: (See Rule 13)
8. Any other information:

Signature/Thumb Impression of the Claimant (s):

FORM - C

CLAIM FORM FOR RIGHTS TO COMMUNITY FOREST RESOURCE

[See section 3(1)(i) of the Act and rule 11(1) and 4(a)]

- 1 .Village/Gram Sabha:
2. Gram Panchayat:
3. Tehsil/ Taluka:
4. District:
5. Name(s) of members of the gram Sabha [Attach as separate sheet, with status of Scheduled Tribes/Other Traditional Forest Dwellers indicated next to each member]. *Presence of few Scheduled Tribes/ Other Traditional forest Dwellers is sufficient to make the claim.*

We, the undersigned residents of this Gram Sabha hereby resolve that the area detailed below and in the attached map comprises our Community Forest Resource over which we are claiming recognition of our forest rights under section 3(1)(i).

[Attach a map of the community forest resource, showing location, landmarks within the traditional or customary boundaries of the village or seasonal use of landscape in the case of pastoral communities to which the community had traditional access and which they have been traditionally protecting, regenerating , conserving and managing for sustainable use. Please note that this need not correspond to existing legal boundaries.)

6. Khasra / Compartment No.(s), if any and if known:

7. Bordering Villages:

(i)

(ii)

(iii)

(This may also include information regarding sharing of resources and responsibilities any other villages.)

8. List of Evidence in Support (Please see Rule13)

Signature / Thumb impression of the Claimant(s):

The Scheduled Tribes and Other Traditional Forest Dwellers
(Recognition of Forest Rights) Rules 2007
Government of India
Ministry of Tribal Affairs

ANNEXURE-II
[See rule 8(h)]

TITLE FOR FOREST LAND UNDER OCCUPATION

1. Name(s) of holder (s) of forest rights (including spouse):
2. Name of the father/ mother:
3. Gram Panchayat:
4. Tehsil/Taluka:
5. District:
6. Scheduled Tribe or Other Traditional Forest Dweller
7. Nature of community rights:
8. Conditions if any
9. Description of boundaries including customary boundary and/or by prominent landmarks including khasra/compartment No:

Name(s) of the holder (s) of community forest right:

- 1.
- 2.
- 3.

We, the undersigned, hereby, for and on behalf of the Government of (Name of the State) affix our signatures to confirm the above forest right as mentioned in the title to the above mentioned holders of community forest rights.

Divisional Forest Officer/District Tribal Welfare Officer
Deputy Conservator of Forests

District Collector/ Deputy Commissioner

The Scheduled Tribes and Other Traditional Forest Dwellers
(Recognition of Forest Rights) Rules 2007
Government of India
Ministry of Tribal Affairs

ANNEXURE-III
[See rule 8(h)]

TITLE TO COMMUNITY FOREST RIGHTS

1. Name(s) of holder (s) of forest rights (including spouse):
2. Village/gram Sabha:
3. Name of dependents:
4. Address:
5. Gram Panchayat:
6. Tehsil/Taluka:
7. District:
8. Whether Scheduled Tribe or Other Traditional Forest Dweller
9. Area:
10. Description of boundaries by prominent landmarks including khasra/compartment No:

This title is heritable, but not alienable or transferable under sub section (4) of section 4 of the Act.

We, the undersigned, hereby, for and on behalf of the Government of (Name of the State) affix our signatures to confirm the above forest right.

Divisional Forest Officer/District Tribal Welfare Officer
Deputy Conservator of Forests

District Collector/ Deputy Commissioner

ANNEXURE-IV

TITLE TO COMMUNITY FOREST RESOURCES

[See rule 8(i)]

1. Village/Gram Sabha:
2. Gram Panchayat:
3. Tehsil/ Taluka:
4. District:
5. Scheduled Tribe / Other Traditional Forest Dweller: Scheduled Tribes community/other Traditional Forest Dwellers community / Both
6. Description of boundaries including customary boundary, by prominent landmarks, and by khasra / compartment No

Within the said area, this community has the right to protect, regenerate or conserve or manage, and this (to be named) community forest resources which they have been traditionally protecting and conserving for sustainable used as per section 3(1)(i) of the Act. No conditions are being imposed on this right other than those in the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act and the Rules framed thereunder

We, the undersigned, hereby, for and on behalf of the Government affix our signatures to confirm the community forest resource (to be named and specified quantum, area, whichever is applicable) as mentioned in the Title to the above mentioned gram Sabha/community(ies)

(Divisional Forest Officer/(District Tribal Welfare Officer)

Deputy Conservator of Forests)

AIMS OF THE ACT, TYPOLOGY OF FOREST RIGHTS

Key Focus of the Act

- Tenurial Security
- Livelihood Security
- Ecological Security

Aims of the Act

- Address tenurial insecurity
- Ensure livelihood and food security
- Protect customary/traditional rights
- Protect traditional knowledge and intellectual property relating biodiversity and cultural diversity
- Provide legal recognition to age old community conservation initiatives
- Conserve the common forest and biodiversity resources which are threatened by destructive activities
- Establish democratic institutions at the community level, empowered for conservation and management of resources
- Provide basic developmental facilities to the communities

Types of Forest Land

- FRA applies to all types of forest land, which includes land of any description falling within any forest area and includes
- Unclassified Forests,
- Un-demarcated Forests,
- Existing or Deemed Forests,
- Protected Forests,
- Reserved Forests,
- Sanctuaries,
- National Parks and
- Tiger Reserves.
- Disputed lands

Eligibility

- Occupied forest land before 13th day of December, 2005 – Sec.4 (3)
- Forest Dwelling Scheduled Tribes primarily reside in and depend on forest or forest lands for bonafide livelihood needs {Rule 2 (c)}.
- Other Traditional Forest Dwellers - any member or community who has for at least three generations prior to the 13th day of December, 2005 primarily resided in and who depend on forest or forest lands for bonafide livelihood needs {Rule 2 (o)}.
- Primarily residing means FDSTs & OTFDs who have either habitation, or patches of land for self-cultivation for livelihood, and would therefore, be spending most of their time either in temporary make shift structures or working on patches of land in such areas irrespective of whether their dwelling houses are outside the forest or forest land. Therefore, such STs & OTFDs who are not necessarily residing inside the forest but are depending on the forest for their bonafide livelihood needs would be covered under the definition of FDSTs and OTFDs {Clarification by MoTA No.17014/02/2007-PC&V (Vol.VII) dated 9.6.2008}.
- Bonafide livelihood needs means fulfillment of livelihood needs of self and family through exercise of any rights specified in Sec. 3 (1) {Rule 2 (i)(b)}

Extent – Sec. 4 (6)

- For individual Claims: Land under occupation or maximum 4 ha. whichever is less.

Typology of Forest Rights

1. Individual Forest Rights & extent

- Self-Cultivation - Actual occupation or max. 4 hects.
- In or over Disputed Land - Actual Occupied Area

- Conversion of Pattas or Leases - Actual Area mentioned
- In situ or alternative land - Actual Occupation or equivalent area
- Right to habitat

Self-Cultivation includes forest land used for allied activities ancillary to cultivation, such as, for keeping cattle, for winnowing and other post-harvest activities, rotational fallows, tree crops and storage of produce [12.A.(8)].

Evidence for determination of individual forest rights

- (a) Gazetteers, Census, Survey and Settlement reports/maps, satellite imagery, working plans, management plans, micro plans, forest enquiry reports, other forest records, pattas or leases, reports of committees and commissions constituted by Govt.
- (b) Voter identity card, ration card, passport, house tax receipts, domicile certificates
- (c) House, huts improvements to land including leveling, bunds, check dams, etc
- (d) Quasi-judicial and judicial records including court orders and judgments
- (e) Research studies, documents of customs and tradition that illustrate enjoyment of forest rights by reputed institutions
- (f) Record of rights, privileges, concessions, favours from erstwhile princely States.
- (g) Traditional structure such as wells, burial grounds, sacred places
- (h) Genealogy as having been legitimate resident of the village at an earlier period of time
- (i) Statement of elders other than claimants – in writing.

2. Community Rights/CFR Rights

- Nistari including those used in erstwhile princely States - As Defined in the Nistari Patra or any other document

- Right of ownership, access to collect, use and dispose of MFP - Within and Outside the village boundary
- Right of uses or entitlements such as fish & other products of water bodies, grazing - Traditionally use Area
- Traditional Seasonal Resource Access of Nomads or Pastoralist Communities - Seasonal Access Area
- Community Tenures of Habitat and Habitation for PVTGs & Pre-agricultural communities - Customary Boundary of such Community
- Right of Settlement and Conversion of Forest villages, unsurveyed villages, etc. - Actual Land-use of the village in its entirety including land required for current & future community uses
- Rights accepted as rights of tribals under any traditional or customary law - As defined in the Traditional or Customary Law of such tribe
- Access to Biodiversity and community right to IP & TK related to Biodiversity & Cultural Diversity

Evidence for Community Forest Rights

- (a) Community rights such as nistar
- (b) Traditional grazing grounds, areas for collection of roots and tubers, fodder, wild edible fruits and other mfp, fishing grounds, irrigation systems, sources of water for human or livestock use, medicinal plant collection territories of herbal practitioners.
- (c) Remnants of structures built by the local community, sacred trees, groves and ponds or riverine areas, burial or cremation grounds.

No. of evidence to be considered by Gram Sabha, SDLC, DLC.

More than one of the above mentioned evidences to determine the forest rights (both for individual and community)

3. Developmental Rights {Sec.3 (2)}

Notwithstanding anything contained in the Forest (Conservation) Act, 1980, forest land shall be diverted for the following facilities management by the Govt. which involves felling of trees not exceeding 75 trees per hectare.

- ✓ Schools
- ✓ Dispensary or hospital
- ✓ Anganwadis
- ✓ Fair price shops
- ✓ Electric and telecommunication lines
- ✓ Tanks and other minor water bodies
- ✓ Drinking water supply and water pipelines
- ✓ Water or rain water harvesting structures
- ✓ Minor irrigation canals
- ✓ Non-conventional source of energy
- ✓ Skill up-gradation or vocational training centres
- ✓ Roads and
- ✓ Community centres

INSTITUTIONAL MECHANISM - EMPOWERED BODIES

Forest Rights Committees at GP Level; Sub-Division Level Committees at Revenue Divisions Level and District Level Committees at Districts level have been constituted to receive claims, process and issue forest rights as per the provisions of the Forest Rights Act and rules thereon.

At GP Level – Gram Sabha

Functions of Gram Sabha {Rule 4(1)}:

- Initiate the process of determining the nature and the extent of Forest Rights. Receive and hear the claims relating thereto.
- Prepare list of claimants of Forest Rights and maintain register.
- Consider the resettlement, packages and pass appropriate resolutions.
- Constitute committees protection of the wildlife, forest and biodiversity from amongst its members.
- The Gram Sabha in its first meeting shall elect Forest Rights Committee (FRC) from among its members consisting not less than 10 but not exceeding 15.

Functions of Forest Rights Committee

- Receive, acknowledge and retain the claims in the specified form and evidence in support of such claims;
- Prepare record of claims and evidence including maps
- Prepare a list of claimants of forest rights
- After due intimation to the concerned claimant and the Forest and Revenue Department Officials visit the site and physically verify the nature and extent of the claim and evidence on the site;
- Receive any further evidence or record from the claimant and witnesses;

- Prepare a map delineating the area of each claim indicating recognizable landmarks.
- Record its findings on the claim and present the same to the Gram Sabha for its consideration.

The Gram Sabha shall pass a resolution on claims and there after forward a copy of the same to the Sub-Divisional Level Committee [Sec.6 (1)].

At Sub-Divisional Level

The Sub-Division Level Committee will function under the Chairmanship of Revenue Divisional Officer/Sub-Collector and

- Collate all the resolutions of the concerned Gram Sabhas.
- Consolidate Maps and details provided by the Gram Sabhas.
- Examine the resolutions passed by Gram Sabhas and prepare the record of Forest Rights and forward it through the Sub-Divisional Officer to the District Level Committee for a final decision [Sec.6 (3)].
- Hear and adjudicate disputes between Gram Sabhas.
- Hear petitions from persons aggrieved by the resolutions by the Gram Sabhas.
- Coordinate with other SDLCs for inter sub-divisional claims.

At District Level

The District Level Committee functions under the Chairmanship of District Collector and

- Examine whether all claims have been addressed.
- Consider and finally approve the record of Forest Rights prepared by the Sub-Divisional Level Committee [Sec. 6 (5)].
- Coordinate with other districts regarding inter-district claims.
- Issue directions for incorporation of the forest rights in the relevant Govt. records including record of rights.
- Ensure that a certified copy of the record of forest rights and title under the Act is provided to the concerned claimant and the Gram Sabha.

- Hear petitions from persons aggrieved by the orders of the Sub-Divisional Committee.

The decision of the District Level Committee on the record of Forest rights shall be final and binding.

Mechanism for Development Rights

- The forest land to be diverted for the purposes is less than one hectare in each case.
- Developmental project shall be recommended by the Gram Sabha
- The User Agency shall make a proposal in Form-A and submit the proposal to the concerned Range Forest Officer of the area along with the resolution adopted by the Gram Sabha.
- The Range Forest Officer will carry out site inspection of the proposed area to opine on the acceptance of the proposal and submit the proposal and his recommendation to the concerned Divisional Forest Officer (DFO) in Form-B along with his site inspection report and his opinion.
- The Divisional Forest Officer concerned will consider the proposal and if he agrees, he will accord his approval and communicate his decision to the Range Forest Officer concerned with a copy to the Chairperson of the DLC.
- After receipt of approval from concerned DFO, the RFO will demarcate the area of the forest land approved for diversion and hand over the same to the User Agency under the supervision of the Gram Sabha.

APPENDIX

Form for seeking prior approval for diversion of forest land for non-forest purposes for the facilities managed by the Government under sub-section (2) of Section 3 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.

FORM-A
[See para 2.2(i)]
(To be filled up by the User Agency)

1. Project details:

- (I) Short narrative of the proposed project / scheme for which the forest land is required.
- (II) Details of the forest land required (two options to be indicated)
 - a. Location - Survey No./Compartment No.
 - b. Extent of the area (in hectare)
 - c. Forest Division
 - d. Map showing the required forest land, boundary of adjoining forest on a 1:50,000 scale map.
- (III) Justification for locating the project in proposed forest land(s)
- (IV) Number of trees to be felled (per hectare) and number that will be kept standing

- 2. Detailed, purpose-wise break-up of the total forest land required with proposed building activity area map.
- 3. Confirmation that User Agency will plant at least twice the number of trees to be felled, in the project or adjacent area and the amount to be provided annually for protection and maintenance of these plants for at least five years (Details to be enclosed)
- 4. Recommendation of the Gram Sabha - Accepted Rejected

✓ [Please tick (), as the case may be]. [Copy of the Gram Sabha resolution to be attached.]

Signature of the authorized person for the User Agency

(Name in Block letters)

Address _____

Date:

Place:

Serial No. of proposal _____

(To be filled up by the Range Forest Officer with date of receipt)

FORM-B

[See para 2.2(iv)]

(To be filled by the concerned Range Forest

Serial No. of proposal_____

1. Location of the project/Scheme:

- (I) State/Union Territory
- (II) District
- (III) Forest Division
- (IV) Proposed forest land(s) (two options to be indicated)

I. Location - Survey No./Compartment No.

II. Extent of the area (in hectare)

(v) Whether part of biosphere reserve, tiger reserve, elephant corridor, etc.

2. Site inspection report (to be attached), containing the date of visit, and justified opinion on the acceptability of the proposal (separately for the two options).

3. Specific recommendation of the Range Forest Officer for acceptance or otherwise of the proposal and the better option.

Signature of the RFO

Name_____

Official Seal

Date:_____

Place:_____

Accepted/Not accepted
with reasons to be recorded

Signature of the DFO

Name_____

Official Seal

Date:_____

Place:_____

At State Level

The State Level Monitoring Committee functions under the Chairmanship of Chief Secretary and

- Monitor the process of recognition and vesting of forest rights and furnish returns and reports as may be called by the Nodal Agency (Sec.6 (7)).
- Where any authority or Committee or Officer or member of such authority or committee contravenes any provision of this Act or any rule made there under concerning recognition of forest rights, it , or they, shall be deemed to be guilty of an offence under this Act and shall be liable to be proceeded against and punished with fine which may extend to one thousand rupees. (Sec.7)
- Take appropriate action against the concerned authorities (Offences by members or Officers of authorities and Committee) under the Act.

GRIEVANCES REDRESSAL & POST CLAIM SUPPORT

- (1) Any person aggrieved by the resolution of the Gram Sabha may within a period 60 days from the date of the resolution file a petition to the Sub-Divisional Committee
- (2) The SDLC shall fix a date for the hearing and intimate the petitioner and the concerned Gram Sabha in writing as well as through a notice at a convenient public place in the village of the petitioner at least 15 days prior to the date fixed for the hearing.
- (3) The SDLC may either allow or reject or refer the petition to concerned Gram Sabha for its reconsideration.
- (4) After receipt of such reference, the Gram Sabha shall meet within a period of 30 days, hear the petitioner, pass a resolution on that reference and forward the same to SDLC.
- (5) The SDLC shall consider the resolution of the GS and pass appropriate orders, either accepting or rejecting the petition.
- (6) Without prejudice to the pending petitions, SDLC shall examine and collate the records of forest rights of other claimants and submit the same to the DLC.

Petitions to District Level Committee

- (1) Any person aggrieved by the decision of the SDLC may within a period 60 days from the date of decision of SDLC file a petition to the DLC.
- (2) The DLC shall fix a date for the hearing and intimate the petitioner and the concerned SDLC in writing as well as through a notice at a convenient public place in the village of the petitioner at least 15 days prior to the date fixed for the hearing.
- (3) The DLC may either allow or reject or refer the petition to concerned SDLC for its reconsideration.

- (4) After receipt of such reference, the SDLC shall hear the petitioner and Gram Sabha and take a decision on that reference and intimate the same to the DLC.
- (5) The DLC shall then consider the petition and pass appropriate orders, either accepting or rejecting the petition.
- (6) The decision of the District Level Committee on the record of Forest rights shall be final and binding [Sec.6 (6)].

STRATEGIC SUPPORT FOR POST RECOGNITION OF RIGHTS

- To take action to incorporate all the rights in the Revenue Records so as to make the right holders eligible for government developmental interventions.
- Comprehensive plans for land development and for improving the economics of cultivation in convergence with MGNREGS program/line departments.
- Irrigation facilities, in convergence with Indira Jala Prabha programme and other economic support programmes of the TW Department.
- The Governments initiative of Rhythu Bandhu Scheme for input support and the proposed Giri Vikasam (Land Development Scheme of TWD)