

MINISTRY OF TRIBAL AFFAIRS

NOTIFICATION

New Delhi, the 6th September, 2012

G.S.R. 669(E).—WHEREAS the draft of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012 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 G.S.R.578(E), dated the 19th July, 2012 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 thirty days from the date on which the copies of the Gazette containing the said notification are made available to the public;

AND WHEREAS the copies of the said Gazette were made available to the public as on July 20, 2012.

AND WHEREAS the objections and suggestions received from the public in respect of the said draft amendment 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 to amend the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2008, namely:-

1. (1) These rules may be called the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012.

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

2. In the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2008 (hereinafter referred to as the said rules), in rule 2, sub- rule (1) , -

(i) for clause (b), the following clause shall be substituted, namely :-

‘(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;’ ;

(ii) after clause (c) , the following clauses shall be inserted namely:-

‘(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;’;

(iii) for clause (d), the following clause shall be substituted, namely :-

‘(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 authorised 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';

3. In the said rules, after rule 2, the following rule shall be inserted, namely:-

"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 formalised 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 finalised by the District Level Committee after considering public comments, if any.
- (c) on finalisation 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;"

331962/12-4

4. In the said rule 3, -

(a) in sub-rule (1) for the words "at least one-third members shall be the Scheduled Tribes", the words "at least two-third members shall be the Scheduled Tribes" shall be substituted;

(b) after sub-rule (3) the following sub-rule shall be inserted, namely:-

"(4) The Forest Rights Committee shall not reopen the forest rights recognised 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."

5. In the said rules, in rule 4, -

(i) after clause (e), the following clause shall be inserted, namely:-

(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.

(ii) for sub-rule (2), the following sub-rule shall be substituted, namely:-

"(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".

6. In the said rules, in rule 6, for clause (I), the following clause shall be substituted, namely:-

"(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."

7. In the said rules, in rule 8,-

(i) in clause (g), the word "and", shall be omitted;

(ii) in clause (h), at the end the word "and" shall be inserted;

(iii) after clause (h), the following clause shall be inserted, namely:-

"(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 recognised under clause (i) of sub-section(1) of Section 3."

8. In the said rules, in rule 10,-

(i) for clause (c), the following clause shall be substituted, namely:-

"(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.,";

(ii) after clause (e), the following clause shall be inserted, namely:-

"(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."

9. In the said rules, in rule 11, in sub-rule(4), for the words and letter "community forest rights in Form B" the words "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" shall be substituted.

10. In rule 12 of the said rules, in sub-rule (i) after clause (e), the following clause shall be inserted, namely:-

"(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 recognisable 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."

11. In the said rules, after rule 12, the following rules shall be inserted, namely:-

"12 A. **Process of recognition of rights.**- (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 his 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.

3319 GI/12-5

(10) All decisions of the Sub-Divisional Level Committee and District Level Committee 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) of 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."

12. In rule 13 of the said rules, in sub-rule(2),-

(i) for the words "Community Forest Rights" the words "Community Forest Resource" shall be substituted.

(ii) after clause (c) the following clauses shall be inserted, namely:-

(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."

13. After rule 15 of the said rules, the following rule shall be inserted, namely:—

"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, panchayati 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.

14. In the said rules, in Annexure-I, after Form B, the following Form shall be inserted, namely:-

"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 with

any other villages.)

8. List of Evidence in Support (Please see Rule 13)

Signature / Thumb impression of the Claimant(s):

15. In the said rules, after Annexure-III, the following Annexure shall be inserted, namely:-

"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 in extent, 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)

331951/12-6

Deputy Conservator of Forests)

(District Collector/ Deputy Commissioner)"

Annexure –V

**Format for furnishing quarterly report
[See Rule 10 (c)]**

1.	Name of State	
2.	Status of Claims	
a)	<i>Individual Rights</i>	
	• Filed	
	• Accepted	
	• Rejected	
	• Pending	
	• Reasons for rejection with examples	
	• Corrective measures suggested	
	• Any other observations	
	• Extent of forest land covered (in Ha.)	
	• Status of updation of forest and revenue records under section 3(1)(a) of the Act (in Ha.)	
b)	<i>Community Forest Rights</i>	
	• Filed	
	• Accepted	
	• Rejected	
	• Pending	
	• Extent of forest land covered	
	• Status of updation of forest and revenue record under Section	

	3(1) (b) to 3(1)(l) of the Act (in Ha.)	
	• Reasons for rejections with example	
	• Corrective measures suggested	
	• Any other observations	
c)	Details of Community Forest Resource being managed and by whom	
d)	Good Practices (if any)	
e)	Area diverted under section 3(2) of the Act (in Ha.)	
e)	Any other Remarks	

(Chairman)

(Member Secretary)

State Level Monitoring Committee

State Level Monitoring Committee

[F.No. 23011/32/2010-(Vol.II)]

Dr. SADHANA ROUT, Jt. Secy.

Note: The principal rules were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide number G.S.R. 1(E), dated the 1st January, 2008.