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01/04/2024

Office of the R.C.O.
Inward No. 44
Book No. 01/24
Date 01/4/2024

NATIONAL GAMES GOA 2023

ATMANIRBHAR BHARAT
SWAYAMPURNA GOA

Government of Goa
Directorate of Tribal Welfare
Shrama Shakti Bhavan, 5th Floor, Patto, Panaji Goa

Tel. No. 2438024, Fax 2438052
Website: tribalwelfare@goa.gov.in Email Id: dir-tw.goa@nic.in

No.1-339-2018-19/FRA /DTW/9 Dated: 01/03/2024
4

To,

1) The Collector, North Goa District / Chairman of the District Level Committee, Panaji-Goa.
2) The Collector, South Goa District / Chairman of the District Level Committee, Margao-Goa.
3) The Principal Chief Conservator of Forest, Goa Van Bhavan, Forest Department, Altinho, Panaji-Goa
4) The Director, Directorate of Panchayat, Panaji-Goa.
5) The Director, Directorate of Agriculture, Krishi Bhavan, Tonca, Caranzalem-Goa.
6) The Director, Department of Animal Husbandry and Veterinary Services, Panaji-Goa.
7) The Chief Engineer, WRD, Porvorim-Goa.
8) The Managing Director, Goa State Horticulture Cooperation Ltd., Tonca, Caranzalem-Goa.

Sub: Joint Advisory dated 14-03-2024 with Annexures–reg.-
Ref. No.:- D.O. No. 4-4/2020-FP dated 14-03-2024

Sir/Madam,

With reference to the above cited subject, please find enclosed herewith Joint Advisory dated 14-03-2024 with Annexures received from Ministry of Tribal Affairs, New Delhi, for necessary action at your end.

Yours faithfully,

01/4/2024

(Dasharath M. Redkar)
Director

AM 8947 15/3/2024 ADM Email 19/3 Director Tribal Welfare

Joint Advisory dated 14.03.2024 with Annexures-reg

1503

From : Secretary Tribal Welfare <sectrw-sect@goa.gov.in> Fri, Mar 15, 2024 11:13 AM
Subject : Fwd: Joint Advisory dated 14.03.2024 with Annexures-reg 1 attachment
To : Director Tribal Welfare <dir-tw.goa@nic.in>

From: "Puneet Kumar Goel IAS Chief Secretary" <cs-goa@nic.in>
To: "Arun Kumar Mishra Secretary Environment" <secyenv.goa@gov.in>, "Secretary Tribal Welfare" <sectrw-sect@goa.gov.in>
Sent: Friday, March 15, 2024 9:46:41 AM
Subject: Fwd: Joint Advisory dated 14.03.2024 with Annexures-reg

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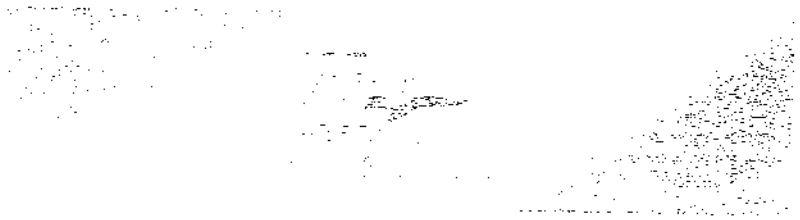
From: "FRA Division, Tribal Affairs" <fra-tribal@gov.in>
To: "Dr K. S. Jawahar Reddy, IAS" <cs@ap.gov.in>, "PABAN KUMAR BORTHAKUR, IAS" <cs-assam@nic.in>, "Chief Secretary Bihar" <cs-bihar@nic.in>, "Chief Secretary Office" <csoffice.cg@gov.in>, "Puneet Kumar Goel IAS Chief Secretary" <cs-goa@nic.in>, csguj@gujarat.gov.in, chiefsecretary@gujarat.gov.in, "Prabodh Saxena" <cs-hp@nic.in>, "DR VENU V IAS" <chiefsecy@kerala.gov.in>, "L.Khiangte, IAS" <cs-jharkhand@nic.in>, cs@karnataka.gov.in, cs@maharashtra.gov.in, "Shri Pradeep Kumar Jena" <csori@nic.in>, csraj@rajasthan.gov.in, "CS Telangana" <cs@telangana.gov.in>, "cs-tripura" <cs-tripura@nic.in>, cs@tn.gov.in, "CHIEF SECRETARY OFFCE GOVT OF UP" <csup@nic.in>, "B P Gopalika" <cs-westbengal@nic.in>, "cs-jandk" <cs-jandk@nic.in>, "Veera Rana" <cs@mp.nic.in>, csuttarakhand@nic.in, chiefsecyuk@gmail.c
Cc: "Dr Naval Kapoor" <kapoor.naval@gov.in>, "SAMIDHA SINGH" <samidha.singh@gov.in>, "Arvind Mudgal" <arvind.mudgal70@nic.in>
Sent: Thursday, March 14, 2024 8:31:39 PM
Subject: Joint Advisory dated 14.03.2024 with Annexures-reg

Sir/Madam,

Please find herewith enclosed Joint Advisory, co-signed by Secretary, Ministry of Tribal Affairs and Secretary, Ministry of Environment Forest and Climate Change.

Regards,

FRA Division,
Ministry of Tribal Affairs,
Govt. of India



Joint Advisory dated 14.03.2024 with Annexures.pdf
7 MB

Government of India

Leena Nandan,
Secretary,
Ministry of Environment,
Forest and Climate Change

Vibhu Nayar,
Secretary,
Ministry of Tribal Affairs

D.O. No. 4-4/2020-FP

Dated: 14th March, 2024

Dear Chief Secretary,

The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, commonly known as the Forest Rights Act (FRA), recognizes and vests the forest rights and occupation on forest land among Scheduled Tribes and other traditional forest dwellers, who have been residing in such forests for generations, but whose rights could not be recorded. For effective implementation of FRA 2006, the Ministry of Tribal Affairs (MoTA) including Ministry of Environment, Forest and Climate Change (MoEF&CC) have issued guidelines and advisories to States/ UTs from time to time.

2. The Government of India have been inviting the attention of State Tribal Welfare Departments, State Forest Departments and Tribal Development Corporations to provide all necessary facilitation, post claim support and hand-holding to holders of forest rights and to initiate specific projects and schemes for enhancing their livelihoods. The States have also been requested to coordinate with all relevant departments to ensure holistic socioeconomic development of the forest right holders.

3. However, it has come to the notice of the Government of India that still, issues are arising in States, in providing post claim support and hand holding to the holders of forest rights, including benefits under housing, agricultural and livelihood schemes etc. The Government of India has issued detailed guidelines in this regard. However, it is felt necessary to reiterate these guidelines for creating awareness and to the benefit of the field functionaries.

4. Accordingly, a consolidated set of guidelines and clarifications for proper implementation of the FRA 2006 by the State and UT Governments is reproduced as follows:

I. Use and scope of forest land vested under FRA to Forest Dwelling Scheduled Tribe (FDSTs) and Other Traditional Forest Dwellers (OTFDs) under Section 3(1) (a) and Section 3 (1)(e):

Issues:

Under Section 3(1) (a) of the FRA, 2006, individual rights are provided 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.

To exercise the same, necessary facilitation for post claim support and hand holding to the holders of forest rights, as mentioned in Rule 16 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006, to carry out benefits under housing, agricultural and livelihood schemes, needs to be provided.

These may also include activities in individual title holder land, such as

(i) Construction of house, including toilets under PMAY(G), PM JANMAN or other Government housing schemes of State Government.
(ii) Construction of shelter / sheds for animal husbandry purposes and other livestock rearing activities.
(iii) Provision for irrigation and drinking water facilities.
(iv) Construction of soil conservation and treatment structures facilitating agricultural activities.
(v) Provision of electricity for household purposes, agriculture and allied activities.

Clarification:

Detailed advisories have been issued in this regard by the Ministry of Tribal Affairs and the Ministry of Environment Forest and Climate Change to the State Governments, to extend benefit of all schemes and programmes for upliftment and enhancement of livelihoods of right holders, as per Rule 16 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules 2007, as amended from time to time.

In this regard, MoEF&CC and MoTA have issued a joint advisory dated 6th July 2021 (Annexure 1). Thereafter, MoEF&CC reiterated these guidelines vide letter dated 12th December 2022 addressed to the State Governments, to proactively facilitate and ensure that the forest rights holders are extended necessary support for availing benefits under various Government schemes and programmes for improving their livelihoods and standards of living. (Annexure 2).

The individuals and PVTGs, who have been given rights under Section 3(1)(a) Section 3(1),e) of the Act, should be facilitated to make use of vested forest land for availing benefits (as elucidated above) under relevant Government Schemes in a best-possible manner. Ministry of Tribal Affairs has launched PM JANMAN, wherein facilities such as provision of pucca houses, provicing electricity and water and its dovetailing with agriculture schemes are being provided to tribal families.

Thus, States and UT Governments are requested to provide all necessary support and hand holding to the holders of forest rights and PVTGs under provisions of Section 3(1)(a) and Section 3(1)(e) of FRA 2006.

II. Mechanism for land use for creating facilities under Section 3(2) of FRA under various Government schemes including PM JANMAN:

Issues:

The Section 3(2) of FRA, 2006 provides for diversion of forest land to carry out 13 developmental activities or facilities managed by the Government. These facilities include schools, dispensaries or hospitals, 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 centers, roads and community centres.

Under PM JANMAN scheme, there is provision of construction of roads, hostels, multi-purpose centers, anganwadi kendras and providing telecom connectivity for the habitations, which lack these facilities. Instances have come to the notice of the Government of India, that in some cases, these facilities are not being allowed to be constructed in some states. These include:

(i) Various components of a School, namely hostels, academic blocks, dining hall, kitchen etc.
(ii) Construction of Multi-Purpose Centres (MPC) under PM-JANMAN meant for facilities mentioned under Section 3(2) of FRA, 2006 involving skill up-gradation, vocational training, community centres, anganwadis and dispensaries.
(iii) Provision of road, electricity and mobile towers managed by Government.

Clarification:

The Ministry of Tribal Affairs has issued detailed guidelines vide letter no. 23011/15/2008-SG II dated 18.05.2009, giving detailed procedure for seeking approval for diversion of forest land for non-forest purposes to create facilities

managed by the Government under Section 3(2) of FRA 2006. The detailed guidelines are attached at Annexure 3.

As per the guidelines issued by Ministry of Tribal Affairs, the respective Divisional Forest Officers (DFOs) are competent to consider and accord approval to the proposal submitted by the user agency. Further, if the DFO concerned does not approve the proposal, the District Level Committee shall take a final decision in the matter, forthwith.

Accordingly, States and UT Governments are requested to follow the guidelines issued by the Ministry of Tribal Affairs regarding these provisions for seeking approval for diversion of forest land for 13 facilities managed by Government under Section 3(2) of the FRA 2006, as also indicated under Rule 16 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2007, as amended from time to time.

This will enable providing basic amenities and livelihood as indicated in Para II above, to such claimants and communities under various government schemes, whose rights have been recognized and vested under the FRA 2006, provided that such diversion of forest land shall be allowed only if

i. the felling of trees does not exceed seventy-five trees per hectare.
ii. the forest land to be diverted for the purposes is less than one hectare in each case.
iii. such development projects are recommended by the Gram Sabha.

Further, any project, wherein involvement of land is more than one hectare and not listed under the facilities mentioned under Section 3(2) of the FRA 2006, shall have to be treated under the provisions of the "Van (Sanrakshan Evam Samvardhan) Adhiniyam", 1980 and Rules therein.

Gram Sabha and other stakeholder Government agencies responsible for implementation of FRA may also be provided all necessary facilitation, support and handholding to help holders of forest rights.

III. Implementation of Section 3(1)(i) and Section 5 of FRA, 2006 - Support of the Forest Department for preparation of the CFR Management Plan:

Issues:

Under Section 3(1) (i) of the FRA, 2006 right holders are provided with rights to protect, regenerate or conserve or manage any community forest resource, which they have been traditionally protecting and conserving for sustainable use.

Further section 5 of FRA 2006 entrusts upon holders of any forest right, Gram Sabha and village level institutions in areas where there are forest right holders, certain duties related to protection of wildlife, forest and biodiversity.

In this regard, FRA Rules provide that Gram Sabha shall constitute committee for protection of wildlife forest and biodiversity, from amongst its members, in order to carry out the provisions of Section 5 of the Act.

Further, the Gram Sabha should monitor and control the committee to 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.

Clarification:

The guidelines for Conservation, Management and Sustainable use of Community Forest Resources, issued by MoTA vide letter No. 23011/09/2016-FRA dated 12-09-2023 **(Annexure 4)** need to be followed by Tribal Departments, Forest Departments, and Panchayati Raj Department in the States.

In this regard, the Ministry of Tribal Affairs plans to develop a few model community forest resource management plans, which shall be in consonance with the National Working Plan Code, 2023 and share them with the States. The State Tribal Research and Training Institutes along with the State Forest Training Institutes, need to jointly undertake training of Tribal Welfare Officers and Forest Officers, who will act as master trainers. These master trainers can, thereafter, undertake training and capacity building of Panchayati Raj Institutions including committee members of Gram Sabha, for developing community forest resource management plan and for its integration with the micro plans or working plans or management plans of the forest department. As the CFR management plans are scientific documents that require collection and analysis of field data, the Chairman of CFRMC may co-opt any officer form local Forest department to help the committee in preparation of such plans.

IV. Maintenance of record of rights:

Issues:

The incorporation of the forest rights in the revenue and forest records is essential, as it will help and facilitate the individual Forest Right Holders to avail benefits of various schemes of Government. Accordingly, the State Authorities need to be sensitized to complete the exercise of record of rights expeditiously.

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Clarification:

The Ministry of Tribal Affairs has also issued guidelines, vide letter No.23011/05/2014-FRA dated 3rd March 2014, requesting all the State/UT's for updating the record of rights in the revenue and forest records under the Revenue code/law, so as to mainstream the forest right holders and treat them at par with other land holders (Annexure 5)

Further, the Ministry of Environment, Forest and Climate Change has issued advisory to all States/ UTs vide letter dated 21.11.2022 for updating the revenue and forest records, wherever individual, community or community forest resource rights are recognized. (Annexure 6). The State/UT Governments are requested to expedite the process as per the above guidelines issued by the Government.

The Department of Agriculture, Co-operation and Farmer's Welfare, vide letter dated 14th February, 2019, has issued directions to states for inclusion of rights of forest dwellers, who have been given "Pattas" under the FRA 2006 and also recommended that such right holders shall be eligible for receiving benefit of 'PM Kisan Samman Nidhi' subject to other eligibility conditions. In absence of updation of record of rights in revenue and forest records, the FRA patta- holders are not able to take benefit of PM Kisan Samman Nidhi. All states need to ensure that rights of FRA patta holders are updated in land records in a time bound manner.
Further the DLC /State Tribal Development Department should provide all relevant documents pertaining to rejected claims, along with their maps/geo polygon to the State Forest Department.

Yours Sincerely,

(Leena Nandan)

(Vibhu Nayar)

Government of India

R. P. Gupta,
Secretary,
Ministry of Environment,
Forest and Climate Change

Anil Kumar Jha,
Secretary,
Ministry of Tribal Affairs

D.O. No 23011/25/2021-FRA

6th July, 2021

Dear Chief Secretary,

As you are aware, the Forest Dwelling Scheduled Tribes (FDSTs) and Other Traditional Forest Dwellers (OTFDs) inhabiting forests for generations were in occupation of the forest land for centuries. Forests are the source of their livelihood, identity, customs and traditions. However, their rights on their ancestral lands and their habitats had not been adequately recognized despite them being integral to the very survival and sustainability of the forest eco-system. The traditional rights and interests of FDSTs and OTFDs on forest lands were left unrecognized and unrecorded during consolidation of State forests in the past.

2. Insecurity of tenure and fear of eviction from the lands where they had lived and thrived for generations were the biggest reasons why tribal communities felt emotionally as well as physically alienated from forests and forest lands. This historical injustice needed correction and, therefore, the Government enacted the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, which is commonly known as Forest Rights Act (FRA). It is an Act to recognize and vest the forest rights and occupation in forest land in FDSTs and OTFDs 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. The Act came into operation with the notification of Rules on 01.01.2008 for carrying out the provisions of the Act.

3. Despite considerable lapse of time since the Act came into force the process of recognition of rights is yet to be completed. Further, the exercise of these rights as well as operationalization of Section 5 of the Act are other areas of concern. Hence, the Ministries of Tribal Affairs (MoTA) and Environment, Forest and Climate Change (MoEFCC) deliberated on issues for smoother implementation of the Act and noted that there has been no conflict insofar as the legal framework of the law is concerned. Since the State Governments are responsible for implementation of the Act issues related to its implementation need to be resolved at the State level in terms of the statutory provisions.

4. However, it has also been decided that any queries/issues that may require clarification/hamper the implementation of FRA may be brought to the notice of Central Government so that both Ministries may take a collective view on the matter including issuing joint clarification, guidelines etc. **Therefore, you are requested to undertake a review of the implementation of the Act and intimate the Government of India about any clarifications that are needed to smoothen the process.**

5. It has been observed that a high level of support from Forest Departments of State Governments is required for the Act to be implemented in various aspects such as the verification of claims for forest rights, mapping of the forest lands involved and provision of necessary evidence as required, authentication of records, joint field inspection, awareness generation etc. Further, post-recognition activities require similar support in demarcation of areas where rights have been recognized, in ensuring that the exercise of the rights by the rights holders is unhindered and to facilitate the Gram Sabhas to function in the manner envisaged under the Act.

6. Community Forest Resource is customary common forest land to which the community had traditional access. Section 3(1)(i) of the Act provides for rights to protect, regenerate or conserve or manage any community forest resource (customary forest land to which the community has traditional access) which have been traditionally protected and conserved for sustainable use. The frontline staff of State Forest Department should extend assistance to the institutions/committees under Rule 4(1)(e) and (f) of the Act for preparing 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. In this regard, the benefits gained from the Joint Forest Management movement in the past three decades need to be harnessed for protection and management of forests through Gram Sabha (under Section 3(1)(i) and Section 5 of the FRA, 2006).

7. **Therefore, you are requested to kindly issue suitable instructions to enable expeditious implementation of the Act, including both the pre-recognition and post-recognition aspects.**

8. It has also been noted that enhancement of livelihood prospects of the traditional forest dwelling and forest dependent tribal and other communities requires synergy between the two Ministries at the Central level and at both the Forest and Tribal Welfare/Affairs Departments of the State Governments. This joint communication calls for the attention of the State on the following aspects:

i. State Forest Department should undertake projects for value chain addition including capacity building of primary collectors, new harvesting methods, storage, processing and marketing of the Non-Timber Forest Products (NTFP) under schemes implemented by the Ministry of Tribal Affairs in such a manner that both forest productivity increases and local tribal and other forest dwelling communities derive maximum benefit.

ii. Each State Government may designate a nodal agency for specific NTFPs or a group of products for which sustainable supply-chain platform needs to be developed in collaboration with partners such as TRIFED, NSTFDC, Ministry of Ayush, State Forest Departments, Forest Development Corporations, TDCCs, MFP Federations, Van Dhan Kendras etc. both on physical and digital platforms.

iii. The State Tribal Welfare Departments, State Forest Departments and Tribal Development Corporations may initiate projects/schemes for undertaking Agro-forestry, horticulture, medicinal plantation etc under

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various schemes of different Departments implemented by Central/State Governments. It shall not only improve the livelihood of forest rights holders but also improve the forest and tree cover.

iv. The State Forest Department with assistance provided by Tribal Welfare Department and other relevant Departments will undertake skill development programmes for forest rights holders for sustainable use of resources and adequate measures for regeneration as these are fundamental to long term sustainability of enjoying the rights over forests.

v. State Tribal Welfare Department and State Forest Department will jointly work out a strategy framework in consultation with Department of Rural Development to ensure extension of benefits of MGNREGS and NRLM to Forest Dwellers.

3. The Ministry of Environment, Forest and Climate Change and Ministry of Tribal Affairs are committed to implementation of the Act in letter and spirit. It is urged that close cooperation and coordination between State Forest Department and State Tribal Welfare Department will provide a win-win situation for both the forests and tribal communities at grassroots level.

Yours Sincerely,

(R. P. Gupta)

(Anil Kumar Jha)

DR. A. PRAKASH GOYAL

DIRECTOR GENERAL OF FOREST & SPECIAL SECRETARY
GOVERNMENT OF INDIA
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE

D.O. No. 4-4/2020-FP

Dated: 12th December, 2022

Dear Sir/Madam,

The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, commonly known as the Forest Rights Act (FRA), recognizes and vests the forest rights and occupation on forest land among Scheduled Tribes and other traditional forest dwellers who have been residing in such forests for generations but whose rights could not be recorded. The forest rights which secure individual, community or community forest resource tenures on forest lands, are governed as per the provisions of the section 3(1)(a) to (m) of the FRA, 2006 and Rules.

2. The Rule 16 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2007 envisages for upliftment and enhancement of livelihoods of forest dwellers, as under: -

"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 recognised and vested under the Act."

3. In this regard, State Governments are requested to proactively facilitate and ensure that the forest right holders are extended support for availing benefits under various government schemes and programmes for improving their livelihoods and standard of living. Further, the individuals who have been given rights for agriculture purposes should be facilitated for making the land use in best possible way.

4. The State Tribal Welfare Departments, State Forest Departments and Tribal Development Corporations may initiate specific projects and schemes for enhancing livelihoods of the forest dwelling right holders. Accordingly, you are requested to coordinate with all relevant departments for ensuring holistic development of the forest right holders and improving their socio-economic conditions.

Best wishes,

Yours sincerely,

(Chandra Prakash Goyal)
12.12.2022

To
The PCCF & HoFFs of all states/UTs

इंदिरा पर्यावरण भवन, जोर बाग रोड, नई दिल्ली-110 003
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Annexure to letter No 23011/15/2008-SG.II
dated May 18, 2009

Government of India
Ministry of Tribal Affairs

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

Sub-section (2) of Section 3 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 provides that notwithstanding anything contained in the Forest (Conservation) Act, 1980, the Central Government shall provide for diversion of forest land for certain facilities managed by the Government, as specified in that Section, which involve felling of trees not exceeding seventy-five trees per hectare, provided that such diversion of forest land shall be allowed only if, -

(i) the forest land to be diverted for the purposes mentioned in the said sub-section 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.

2. For implementation of the provisions of sub-section (2) of Section 3 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, the Central Government hereby lays down the following procedure:-

2.1 **Definitions.-** In the procedure, unless the context otherwise requires:-

(a) "Act" means the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (2 of 2007);

(b) "District Level Committee" shall mean the Committee constituted under Rule 7 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights), Rules, 2008;

(c) "Forest Land" shall have the same meaning as defined in Section 2(d) of the Act;

(d) "Gram Sabha" shall have the same meaning as defined in Section 2(g) of the Act;

(e) "Nodal Officer" means any officer not below the rank of Conservator of Forests, authorized by the State Government to deal with matters relating to diversion of forest land under the Act;

(f) "Section" means a section of the Act;

(g) "User Agency" means a Department of the Central or State Government or a District Panchayat making a request for diversion of forest land for developmental projects managed by the Government as specified in sub-section (2) of Section 3 of the Act;

(h) "Village" shall have the same meaning as defined in Section 2(p) of the Act.

2.2 **Submission of the proposals seeking approval for diversion of the forest land under sub-section (2) of Section 3 of the Act.-**

(i) Every User Agency, that wants to use any forest land for any developmental project, specified in Section 3(2) of the Act, shall make a proposal in the appropriate Form appended, i.e. Form 'A', and place it before the general assembly of the concerned Gram Sabha for adopting a resolution to that effect.

(ii) A quorum of atleast half the members of the Gram Sabha should be present for adopting a resolution recommending the diversion of forest land.

(iii) On receipt of a recommendation of the proposal by the Gram Sabha, the User Agency will submit the proposal to the concerned Range Forest Officer (RFO) of the area, along with the resolution adopted by the Gram Sabha.

(iv) The Range Forest Officer (RFO) concerned will carry out site inspection of the proposed area to opine on the acceptance of the proposal.

(v) The Range Forest Officer (RFO) concerned will submit the proposal and his recommendation to the concerned Divisional Forest Officer (DFO) in Form 'B' appended, along with his site inspection report and his opinion within three weeks from the date of receipt of complete proposal from the User Agency.

(vi) The Divisional Forest Officer (DFO) concerned will consider the proposal, and if he agrees, he will accord his approval and communicate his decision to the Range Forest Officer (RFO) concerned with a copy to the

Chairperson of the District Level Committee, within four weeks from the date of receipt of the proposal from the RFO.

(vii) After receipt of the approval from the 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.

(viii) If the Divisional Forest Officer (DFO) concerned does not approve the proposal submitted by the User Agency through the Range Forest Officer (RFO), he shall forward the proposal to the District Level Committee for a final decision.

(ix) The District Level Committee will meet and take a final decision, with at least 1/3 quorum, and convey the decision to the DFO for implementation and correction of records and map if the proposal is accepted.

(x) The approval for diversion of the forest land by the Divisional Forest Officer (DFO) or by the District Level Committee, as the case may be, shall be accorded subject to the condition that the land diverted for a specific purpose shall not be allowed to be used for any other purpose and the diverted land would be appropriated by the Forest Department if the activity for which the land was diverted is not started within one year of handling over the land to the User Agency.

(xi) The DFO concerned will submit a quarterly report of the approvals accorded for diversion of forest land under Section 3(2) of the Act to the Nodal Officer of the State who, in turn, will furnish the consolidated information quarterly to the Secretary, Tribal Welfare Department who will, in turn send the consolidated report to the Ministries of Tribal Affairs and Environment & Forests.

(xii) The Nodal Officer will also monitor the progress.

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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)

925/C

FORM-B

[See para 2.2(iv)]

(To be filled by the concerned Range Forest Officer)

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: _____

*****

No. 23011/09-2018-FRA
Government of India
Ministry of Tribal Affairs
(FRA Division)

Shastri Bhawan, New Delhi
Dated: 12.09.2023

To,

1. The Chief Secretaries of all State Governments
2. The Administrators of all Union Territories
3. Principal Secretaries/ Secretaries in-charge of Tribal Development Department (All States - UTs)
4. Principal Secretaries/ Secretaries in-charge of Forest Department (All States - UTs)

Sub: Guidelines for Conservation, Management and Sustainable use of Community Forest Resources (CFR).

The undersigned is directed to enclose herewith a copy of the guidelines **for Conservation, Management and Sustainable use of Community Forest Resources.**

2. This is in supersession of previous guidelines of CFR management.

3. This has the approval of Competent Authority.

Yours faithfully,

(Nadeem Ahmad)
Under Secretary to the Government of India

Encl: As above.

Copy forwarded for information and necessary action to:

1. Secretary, Ministry of Environment, Forest and Climate Change
2. Secretary, Ministry of Panchayati Raj
3. Secretary, Department of Land Resources, Ministry of Rural Development.

Copy forwarded for information to:

i. PS to Hon'ble Minister of Tribal Affairs
ii. PS to Hon'ble MoSTA (RS)
iii. PS to Hon'ble MoSTA (BT)
iv. PPS to Secretary (TA) PS to Joint Secretary (NJK)

5223/C

Guidelines for management of Community Forest Resource (CFR) under Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006

1. INTRODUCTION:

1.1 The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 seeks to recognize 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 their forest rights were not adequately recognized during the past. The Act was notified for operation with effect from 31.12.2007 and the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2008 were notified on 1.1.2008 for implementing the provisions of the Act and to undo historical injustice with recognition and vesting of bonafide forest rights in Forest dwelling scheduled tribes(FDST) and Other Traditional Forest Dwellers(OTFD) with respect to use of forest land and resources thereby ensuring livelihood and food security, along with maintenance of ecological balance and strengthening community participation in conservation of the forests.

1.2 Since implementation of the Act, a large number of claims have been made for recognition and vesting of rights conferred under Section (1) of the Act. The State Governments have been receiving claims for recognition and vesting of Forest Rights from individuals as well community. A large number of claims have already been successfully disposed of by the State Authorities and Committees under the Act. As a result, a large number of individuals and communities are enjoying their rights and availing benefits.

1.3 Notably, Section 3(1) (i) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (hereinafter referred to as Forest Rights Act or FRA) recognizes and vests rights to the community to protect, regenerate or conserve or manage any community forest resource which they have been traditionally protecting and conserving for sustainable use.

1.4 Rule 8(i) stipulates that District Level Committee (DLC) has to 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 Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2008 and amended in 2012), 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).

1.5 However, since multiple functionaries / authorities / departments are involved in regard to vesting of rights under Section 3(1) and implementation of Section 5 of the Act, there is need for some clarity for due discharge of their duties so that the intent of the Act is translated in letter and spirit on the ground.

1.6 Ministry of Tribal Affairs (MoTA) has always been responsive to the concerns raised by forest dwellers. MoTA has organized training programmes and consultations for state officials, and has issued directives for effective implementation from time to time. MoTA has also provided funds to the State Governments under Article 275(1) of the Constitution for FRA implementation, and has advocated for use of funds available under existing sources including Tribal Sub-Plan (TSP) funds for Community Forest Resource (CFR) development.

1.7 In order to improve coordination at the field level with regard to CFR, and with a view to ensure effective implementation of the Act, the following guidelines are issued for compliance by all the State Governments/UT Administrations.

2. Objective:

To guide Gram Sabha and Forest Dwelling Scheduled Tribes (FDST) / Other Traditional Forest Dwellers (OTFD) Communities in managing their Community Forest Resource (CFR) as per provisions of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (hereinafter referred to as the Forest Rights Act or FRA).

3. Relevant definitions and provisions of Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006 and Rules made thereunder with regard to Community Forest Resource:

3.1 **Community Forest Resources:** As per Section-2 (a) of the Forest Rights Act, the "community forest resources" 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.

3.2 **Duties attached to holders of forest rights, Gram Sabha and village level institutions:** Section 5 of FRA stipulates duties by empowering the holders of forest rights, Gram Sabha and village level institutions in areas where there are holders of any forest rights to:

a. Protect the wildlife, forest and biodiversity;
b. Ensure that adjoining catchments area, water sources and other ecological sensitive areas are adequately protected;

9.2.1/c

c. Ensure that the habitat of forest dwelling Scheduled Tribes and other traditional forest dwellers is protected 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 and safe forest and the biodiversity are complied with.

3.3 **Committee for Section 5 of the Act:** The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2008 as amended by the Ministry of Tribal Affairs in 2012, under Rule 4 (1) (e) provides that Gram Sabha shall 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."

3.4 **Mechanism to monitor and control the Committee:** The Rule 4(1) (f) provides that Gram Sabha shall monitor and control the Committee constituted under clause 4(1)(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.

4. **Claimant for recognition of rights under Section 3(1)(i):**

4.1 As per Rule 2(1) (c) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2008 "claimant" means an individual, group of individuals, family or community making a claim for recognition and vesting of rights listed in the Act. Rights under 3(1)(i) of FRA are "community right".

4.2 As per Rule 11(4) the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2008, the Forest Rights Committee (FRC) 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.

4.3 The rights under Section 3(1)(i) shall be recognized and vested in terms of laid down procedure in the FRA and Rules made thereunder.

5. **Meaning and definition of Gram Sabha and Village:** the meaning of Gram Sabha and Village shall be as defined in Section 2(g) and section 2(p) respectively of the FRA.

vi. The Gram Sabha shall pass its resolutions with a majority, ensuring quorum as under the Act.

6.1 The First meeting of the Gram Sabha, for the purpose of constituting the CFRMC, shall be convened by the Secretary of the concerned Gram Panchayat. The meeting of the Gram Sabha will be presided over by the traditional headman of the village or by the person elected as the chairperson from amongst its members.

6.2 **Constitution of Community Forest Resource Rights Management Committee (CFRMC):** The Gram Sabha shall constitute a committee required under Rule 4(1) (e) from amongst the members of the Gram Sabha to look after the day-to-day work as the executive arm of the Gram Sabha with regard to exercise of rights as mentioned in Section 3(1)(i) and duties as mentioned in Section 5 of FRA.

The norms for constitution of CFRMC will be as under:

i. The CFRMC shall consist of 5 to 11 persons as members provided that at least two-third members shall be from the Forest Rights holders. It will also have at least one third women members.
ii. CFRMC shall decide on a Chairperson, a Secretary and a Treasurer and inform Sub-Division Level Committee (SDLC), District Level Committee (DLC) and the District Level Monitoring Committee constituted by the State Government / UT Administration related to CFR.
iii. The tenure of the CFRMCs will be decided by Gram Sabha for a period of minimum of 3 years which can be extended by the Gram Sabha upto 5 years. In case of any vacancies, Gram Sabha will have powers to decide about new members.
iv. The payment towards honorarium or other allowances, if any, to the members of CFRMC shall be decided by a resolution of the Gram Sabha and will be solely borne from the resources of CFRMC.
v. Any existing Committee for forest resource management already constituted under FRA and Rules made thereunder or any other non statutory committee for forest resource management at the Gram Sabha level shall be deemed to be replaced by the CFRMC.
vi. Where Community Forest Resource right is recognized over a common forest patch being conserved and managed by more than one Gram Sabha, the CFRMC shall be constituted by a joint meeting of the Gram Sabhas concerned under guidance of SDLC.

6.3 **Holding of Meetings of Gram Sabha:** The Gram Sabha shall meet with quorum as and when required and in any case not less than once in six months to approve and review the plans made by CFRMC. The Secretary of the Gram Panchayat shall inform all the members not less than 7 days in advance. In case of emergency, the seven- day notice period may be waived for holding the meeting.

919/C

6.4 Functions of Community Forest Resource Management Committee (CFRMC):

i. Carry out all executive functions as decided by the Gram Sabha from time to time and remain accountable and answerable to the Gram Sabha for its actions;

ii. Prepare a draft conservation and management plan or related documents on behalf of the Gram Sabha as stipulated under Rule 4 (1) (e) & (f).

iii. On behalf of the Gram Sabha / right-holder communities, coordination with other Departments / Committees for the protection of wildlife, forest and biodiversity, catchment areas, water sources and other ecologically sensitive areas located within which it has recognized forest rights.

iv. Maintain records and documents relating to the functioning of Gram Sabha including executive and financial operations in respect of CFR management.

v. Ensure that views of Forest right holders of all Gram Sabha(s) who depend on CFR areas are duly taken care of in CFR Conservation and Management Plan.

7. **Preparation and Execution of CFR Conservation and Management Plan:**

i. The Conservation and Management Plan shall be known as "Community Forest Resources Management Plan" (CFRM Plan).

ii. On receipt of a written communication from the Gram Sabha, the concerned government agency will provide an authenticated copy of information, records, maps or other documents, as the case may be, expeditiously.

iii. The views of forest right holders should be considered while preparing CFRM plan.

iv. Gram Sabhas concerned will meet together to arrive at consensus, failing which the matter will be referred to District Level CFR Monitoring Committee as constituted by the State Government / UT Administration related to CFR.

v. After approval of CFRM Plan by the Gram Sabha, the CFRMC shall coordinate with Forest Department for its integration with the micro plans or working plans or management plans of the Forest Department as stipulated under Rule 4(1) (f).

8. **Coordination between the stakeholders and concerned Departments:** State Government will facilitate so that all the stakeholders and concerned Departments / authorities work in convergence for smooth implementation of provisions of FRA and Rules made thereunder in regard to vesting of right as mentioned in Section 3(1) (i) and conduct of duties as mentioned in Section 5 of FRA.

8.1 **The State Level Monitoring Committee will**

i. Take action for communication of this guideline and capacity building to all appropriate bodies including Gram Sabha and members of SDLCs, DLCs, line departments including the Forest Department.

ii. Constitute District Level CFR Monitoring Committee for management of Community Forest Resource in the district in the light of Rule 12(b)(iv) and Rule 16 under FRA.

iii. Monitor the progress of implementation of this guideline in the State.

iv. Issue necessary instructions to all line departments including the forest department to extend the required support to the Gram Sabhas during development and execution of the plan or activities.

8.2 **The District Level CFR Monitoring Committee (DLMC) will**

i. Facilitate convergence at District/ Block Level appropriately to implement this guideline including compliance of Rule 16 of FRA.

ii. Facilitate integration of the CFR conservation and management plans approved by the Gram Sabha with the Working / Management Plans of Forest Department.

iii. Issue an authorization letter for opening of current bank account in the name of Gram Sabha for operation of CFR management plan.

iv. Facilitate updation of the Revenue and Forest Record of Rights regarding CFR as mentioned in 3(1)(i), the area so vested in a community should be duly incorporated / recorded as "Community Forest Resource" or "CFR" in forest and revenue records and the name of Gram Sabha or community(ies) as applicable [Rule 8(i)].

v. In case of any misuse/fraud reported by the Audit or come to light during inspection of the Government officers, the same shall be dealt with as per the provisions of relevant rules.

vi. Prepare an action plan for conducting of training / sensitization/ awareness programme for the line department officers, members of CFRMCs, PRI members and other stakeholders at a regular interval on implementation of FRA, rules and guidelines. Technical or knowledge support can be availed from State TRIs/ Universities or academic institutions / domain experts having expertise in the relevant fields. Training / sensitization/ awareness programme will also include the following:-

a. Their role and responsibilities;

b. Financial management by CFRMC members, which includes record keeping, social auditing or mandated process as required under the State laws;

c. the scope of convergence of various state and central government programs and schemes, guidelines or instructions issued by the State or Central Government pertaining to the Conservation and Management of CFRs.

vii. Financial support for such trainings/ sensitization/ awareness programme can be availed from the Government of India (GoI) Scheme i.e. "Support to Tribal Research Institute (TRI)" and Grants under Article 275(1) of the Constitution. Due procedure of approvals under the scheme guidelines shall be followed.

viii. Coordinate with all line departments including forest department to provide all required support to the Gram Sabha including relevant information, map and copy of the working or management plan.

912/C

ix. Monitor & submit progress report of the implementation of CFR Conservation and Management Plan to the State Level Monitoring Committee from time to time.

x. Provide all the required support to the Gram Sabha or CFRMC, as and when they require for development as well as execution of CFRM Plan.

xi. Consider Gram Sabha as a bona fide implementing agency and provide funds wherever necessary from available relevant schemes for carrying out forestry activities including soil conservation, bamboo/ tendu and other MFP management, plantation, nursery raising, road construction, water harvesting structures or any restoration work.

9. **Financial Management:**

The Gram Sabha shall be responsible for revenue and expenditure thereof for its functioning related to CFRMC. Following norms should be followed:

i. A single bank account shall be opened in a Nationalized bank or Post Office in the name of Gram Sabha to carry out day-to-day activities related to the implementation of the CFRM Plan as approved by the Gram Sabha. This bank account will be operated by the office bearers of CFRMC authorized as signatories by a resolution of the Gram Sabha.

ii. The Gram Sabha shall make procedural rules on the fund management including revenue sharing amongst right holders, budget and expenditure which will be subject to audit.

iii. Auditing and accounting procedures related to financial management of the CFRMC shall be those prescribed for Gram Panchayat as per Panchayati Raj Rules/ regulation.

iv. The fund for CFRMC can have following sources:

a. Agreed upon contribution from sale of forest produce towards management of CFR.
b. Grants for developmental activities related to CFR Management received from the Government.
c. Funds or grants received from other non-governmental agencies for development works related to CFR Management.
d. Funds provided by the forest department for forest development work if any.

v. The office bearers involved in all finance related activities shall remain accountable to the Gram Sabha.

vi. All the expenses will be in line with the rules laid down, authorized and recorded in the proceedings of the Gram Sabha. The Gram Sabha should put a ceiling above which expenses may only be authorized through a resolution of the Gram Sabha.

vii. The CFRMC needs to record all the receipts and payment details in the ledger and cash book and reconcile the account of Gram Sabha.

viii. Payment of wages shall be made in a transparent manner and as far as possible cash payments may be avoided.

ix. The CFRMC will review the statement of accounts receipt and expenditure along with asset register and Gram Sabha Resolution Register from time to time and at least once in every quarter and get the same ratified by the Gram Sabha.

x. The statement of account of the Gram Sabha shall remain open for inspection by officers so duly authorised by the State Government.

xi. The annual statement of revenue and expenditure shall be finalized by the Gram Sabha within three months of completion of the financial year and thereafter will be audited by Chartered Accountant and will be shared with the District Level CFR Monitoring Committee for information and record.

10. Settlement of disputes:

10.1 Disputes between two or more Gram Sabhas and redressal of grievance of Gram Sabha shall be dealt as per Rule 14(7) and Rule 15 (7). Disputes within members of Gram Sabha will be resolved in the meeting of Gram Sabha. Persons aggrieved by the decision of Gram Sabha can approach SDLC.

10.2 Violations of the Conservation of resources in the CFR area:

Consequent upon the recognition of forest right in Section 3(1) of the Act to protect, regenerate or conserve or manage any community forest resource, the powers of the Gram Sabha would be in consonance with the duties as defined in Section 5(d), wherein the Gram Sabha is empowered to regulate access to community forest resources and stop any activity which adversely affects the wild animals, forest and the bio-diversity. Any activity that adversely affects the wild-life, forest and bio-diversity in forest area or interferes with enjoyments of rights under 3 (1) (e) would be dealt with under the provisions of the relevant Acts. The forest department will provide necessary support to protect the wild-life and biodiversity as per the relevant Act.

*****

9514

No.23011/06/2014-FRA
Government of India
Ministry of Tribal Affairs

Shastri Bhawan, New Delhi.
3rd March, 2014.

To

1. All Principal Secretaries/Secretaries in charge of State Tribal Welfare Departments
(All States except Jammu and Kashmir, Haryana and Nagaland).

2. Administrators of Union Territories,
(except Lakshadweep and Puducherry)

Sub: Record of Rights issued under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006.

Sir,

The undersigned is directed to state that, in respect of the Records of Rights being issued under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, this Ministry has certain observations/comments as under, for necessary compliance on the part of States/UTs:-

(i) The Records of Rights issued under the Forest Rights Act 2006 (FRA) should also mention the name of the Caste/Tribe so that, in future, the people do not have any difficulty in obtaining Caste Certificates.

(ii) The village maps and the village records should also indicate the community land classified into various categories as per the local revenue code/law.

(iii) As per the Forest Rights Rules 2007, on completion of the process of settlement of Rights and issue of titles as specified in Annexures II, III and IV of these Rules, the Revenue and Forest Departments are to prepare a final map of the forest land so vested and the concerned authorities are required to 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. Eventually, the right holders under FRA have to be issued Record of Rights under the Revenue Code/Law so as to mainstream them and treat them at par with other land holders.

9/14/16

(iv) FRA requires conversion of all forest villages, old habitations, unsurveyed villages and other villages in forest whether recorded, notified or not, into revenue villages. The States have been asked to take necessary action for such conversion as per guidelines issued by this Ministry vide No.23011/33/2010-FRA dated 8th November, 2013. In this connection, the entire records should follow the protocol of the revenue code/law.

2. All the State/UT Governments are, therefore, requested to take appropriate steps on the points mentioned above.

Yours faithfully,

(S.M. Sahai)
Director
Tel: 23073176

चन्द्र प्रकाश गोयल
CHANDRA PRAKASH GOYAL

सत्यमेव जयते

महानिदेशक एवं विशेष सचिव
भारत सरकार
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
DIRECTOR GENERAL OF FOREST & SPL. SECY.
GOVERNMENT OF INDIA
MINISTRY OF ENVIRONMENT, FOREST AND
CLIMATE CHANGE

D.O. No. 4-4/2020-FP

Dated: 21st November, 2022

Dear Sir/Madam,

As you are aware, the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, which is commonly known as the Forest Rights Act (FRA) recognizes and vests the forest rights and occupation in forest land among Scheduled Tribes and other traditional forest dwellers who have been residing in such forests for generations but whose rights could not be recorded. Ministry of Tribal Affairs being nodal Ministry has issued various guidelines and advisories to states/UTs for implementation of the Act. The Ministry of Environment, Forest and Climate Change has also issued numerous advisories to the States/UTs for proactive implementation of the Forest Rights Act, 2006. Recently, a Joint Communication dated 06.07.2021 by Secretary, Ministry of Tribal Affairs and Secretary, Ministry of Environment, Forest and Climate Change has been issued to all States/ UTs for effective implementation of Forest Rights Act, 2006.

2. The forest rights which secure individual, community or community forest resource tenures on forest lands, are issued as per the provisions of the section 3(1)(a) to (m) of the FRA, 2006 and Rules. **Upon completion of the process of settlement of rights and issue of titles, it is essential that the Revenue and the Forest departments prepare a final map of the forest land so vested and the concerned authorities should 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, as per Rule 12 A (9).**

3. In many states, forest lands also fall under the jurisdiction of the Revenue Department, including the village forests, for which the records are maintained by the Revenue Department. Accordingly, if the forest lands where titles are distributed, falls under the administrative control of the Revenue Department, the Revenue Department should incorporate the record of the rights (RoR) in the revenue records; while in case of forest lands falling under the administrative control of Forest Department, the Forest Department should incorporate the records of the titles in the forest records.

4. However, it is observed that so far, less number of the titles have been updated and incorporated in the Record of Rights (RoR) by Revenue and the Forest departments, as compared to the claims that have been distributed under the FRA, 2006. Accordingly, your attention is drawn on the following aspects.

i. The State Forest Department should proactively coordinate with the State Tribal Welfare Department, in order to get a copy of the case record folder of each of the forest rights distributed, including copy of title of forest right, map of the land and other relevant documents.

ii. The District Forest Officer should coordinate with the respective District Level Committee and the District Welfare Officer to obtain copies of such case records.

Contd... 2/-

इंदिरा पर्यावरण भवन, जोर बाग रोड, नई दिल्ली–110 003
फोन: (011) 20819239,20819209 फैक्स: (011) 20819195

INDIRA PARYAVARAN BHAWAN, JOR BAGH ROAD, NEW DELHI-110 003
Ph.: 011-20819239, 20819209, Fax: 011-20819195, E-mail : dgfindia@nic.in

आज़ादी का
अमृत महोत्सव

iii. The Revenue and Forest Department should undertake correction of RoRs and maps for forest lands in their respective records, for which forest rights have been granted.

iv. The Revenue and Forest Department should thereafter undertake GIS/GPS survey of each of the land patch and maintain geo-referenced digital vector boundaries of the polygons. In majority of the State/UTs the Forest Departments have good GIS capabilities and hence they should support the Revenue Department in GIS mapping of the forest patches in revenue forest lands where titles have been distributed.

v. The Hon'ble Supreme Court of India in the Order dated 13.02.2019 in WP (C) No. 109 of 2008 in Wildlife First & Others Vs Union of India and Others had directed the Forest Survey of India (FSI), Dehradun to undertake a satellite survey and place in record the encroachment positions, as far as possible. Accordingly, the Director General, FSI has been requesting the States/UTs to provide the geo-referenced digital vector boundaries of the finally rejected claims.

vi. The State Forest Department should coordinate with the State Tribal Welfare Department in order to obtain the detailed case record folders of each of the finally rejected claims, so that the Forest Department can undertake GIS mapping and share the geo-referenced digital vector boundaries to FSI.

5. Geo-referencing of all the record of rights under FRA, 2006 would eventually benefit in decision support systems at all level. The State Forest Department and State Tribal Welfare Departments can initiate specific projects and schemes for improving the livelihoods of the forest rights holders. Various projects can be undertaken for value addition including capacity building of the primary collectors, promote new harvesting methods, storage, processing and marketing of Non-Timber Forest Products so that local tribal and forest dwelling communities derive maximum benefit.

6. Digital information on the record of rights under FRA, 2006 can also be integrated in the PARIVESH portal and other web GIS platforms of Centre and State Government departments, which will eventually provide immense benefits in decision making. Hence you are requested to kindly advise your officers to coordinate with concerned departments and do needful.

Regards,

Yours sincerely,

(Chandra Prakash Goyal)

21.11.19

To

The PCCF&HoFFs of all states/UTs