



REVISED COMPENDIUM OF CIRCULARS AND GUIDELINES ON THE SCHEDULED TRIBES AND OTHER TRADITIONAL FOREST DWELLERS

(RECOGNITION OF FOREST RIGHTS ACT, 2006 AND RULES, 2008
AND AMENDMENT RULES 2012)



Scheduled Castes & Scheduled Tribes Research and Training Institute (SCSTRI), Bhubaneswar
ST & SC Development Department, Govt. of Odisha
(September, 2012)

**REVISED COMPENDIUM ON CIRCULARS AND GUIDELINES
ON
THE SCHEDULED TRIBES AND OTHER TRADITIONAL FOREST
DWELLERS (RECOGNITION OF FOREST RIGHTS) ACT,
2006 & RULES, 2008
AND AMENDMENT RULES, 2012**

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Acknowledgement

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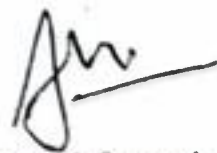
FOREWORD

The Ministry of Tribal Affairs, Government of India brought watershed legislation and enacted the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 and framed Forest Rights Rules, 2008 and its amendment in 2012. The FRA and its Rules are meant for remedying the historical injustice done to the forest dwelling Scheduled Tribes and other traditional forest dwellers. Both of them significantly met the mandate through distribution of 12, 68,766 titles, including 3.01 lakh in the State of Odisha, to the eligible claimants under the Act across India till 31st July, 2012.

However, several factors and issues have come to the notice of the Ministry of Tribal Affairs, Govt. of India and ST & SC Development Department, Govt. of Odisha that are hindering the implementation of the Act in its letter and spirit and constraining the flow of proposed benefits to the eligible forest dwellers. The recognition of community rights such as rights to minor forest produce, grazing areas, water bodies, habitats of Particularly Vulnerable Tribal Groups, pastoralists' routes remains very low. The rate of rejection of claims is also reported to be high.

The ST & SC Development Department, Govt. of Odisha has issued different guidelines and circulars in addition to the existing guidelines from Ministry of Tribal Affairs and other Ministries of GOI to the Collectors, DFOs, Sub-Collectors and other Government functionaries of the State Government from time to time for facilitating proper implementation of the Act. These guidelines pertain to process of recognition of rights, evidence requirements, rights to minor forest produce, community rights, community forest resource rights, protection against eviction, diversion of forest lands and forced relocation, awareness raising, monitoring and grievance redressal. Besides, for the effective translation of objectives of the Act, the Ministry of Tribal Affairs has initiated the process of amendments in the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2008.

With a view to generate awareness among the different stakeholders and creation of their capacity for smooth implementation of the FRA, the Govt. of Odisha in ST & SC Development Department through SCSTRTI had brought out and circulated a Compendium on FRA in 2010. Such an exercise has helped a lot to the stakeholders in the FRA implementation process. In the mean time some additional guidelines and clarification on FRA have been issued by the Central and State Governments. This is high time these updated circulars and guidelines should reach to all the stakeholders in shape of a compendium with update guidelines and circulars. Therefore, a Revised Compendium has been prepared and published for distribution among all concerned for their use as a reference material. It is hoped that it would lead to better implementation of the Act at the ground level. I would like to extend thanks to Shri S.K. Popli, IFS, Director (ST/SC) -cum- Special Secretary to Government of Odisha, ST & SC Development Department for his valuable suggestions in bringing out the Revised Compendium on FRA and Prof. A. B. Ota, Director, SCSTRTI, Sri T. Sahoo, Dy. Director and other staff of SCSTRTI for their effort in compilation of the Revised Compendium. Hope this compendium will be of immense help to all concerned.



(Shri Santosh Sarangi, IAS)

Place: Bhubaneswar

Dated: 15th September, 2012

Commissioner-cum-Secretary, ST & SC Dev. Deptt. Odisha

PREFACE

The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, popularly called FRA, is a tribal friendly legislation enacted by Government of India. To address the historical injustice and critical issues, pertaining to the forest rights deprivation of the Forest Dwellers and facilitate its implementation process, the FRA Rules, 2008 was framed just within one year of promulgation of the FRA and then brought amendment to the Rules in 2012. The Act envisages a number of provisions that would enable the forest dwelling people including landless tribals to become legal land holders of such forest land which they have been customarily enjoying since long.

The different provisions and procedures of the Forest Rights Act need to be understood by the tribals for its effective implementation. Besides, this Act is required to be understood by the Government Functionaries of Line Departments, like ST&SC Development Department, Panchayati Raj Department, Revenue and Disaster Management Department and Environment and Forest Department, who are said to be involved in the FRA implementation process. Similarly, it is equally important to make eligible tribal people and Other Traditional Forest Dwellers aware about different provisions and their implementation process.

Keeping the aforementioned issues in view, the Government of India and the State Government of Odisha have issued different circulars, executive instructions, guidelines, and Orders from time to time for smooth and timely implementation of the Act. The SCSTRTI, Bhubaneswar, a Nodal Tribal Research Institute of India, had made a modest attempt in compiling the circulars, instructions, guidelines, government orders and executive instructions and published them in shape of a Compendium in the year 2010. After a gap of more than two years, the ST & SC Development Department, Government of Odisha has decided to prepare a revised FRA Compendium with incorporation of update information through the SCSTRTI, Bhubaneswar and republish the same for wide circulation among all the stake holders.

I would like to extend thanks to Shri S.K. Popli, IFS, Director (ST/SC) -cum- Special Secretary to Government of Odisha, ST&SC Development Department for his valuable suggestions in bringing out the Revised Compendium on FRA. The combined efforts of Shri Trilochan Sahoo, Dy. Director, Smt. Arati Mall, Research Officer, Sri S.K. Pattanaik, S.A., SCSTRTI and Shri S.N. Mishra, OWS, Assistant Director, ST & SC Development Department Bhubaneswar for compilation of this Revised Volume of the FRA Compendium deserve thanks.

It is hoped that this Revised Compendium will help ensure translating the precious provisions of the Act into practice. I am looking forward to see that it would be a useful reference material for all the stakeholders including the Government and Non- Government Functionaries.

Place: Bhubaneswar

Dated: 12th September, 2012


12/09/12
Prof. A.B. Ota, IAS
Director, SCSTRTI

ORGANISATION OF REVISED COMPENDIUM

- ❖ Abstract: List of Government Circulars, Notifications & Resolutions on Forest Rights Act, 2006 & Rules, 2008 and Amendment Rules, 2012
- ❖ Circulars, Guidelines, Letters & Notifications issued by:
 - i. Different Ministries of Government of India
 - ii. Different Departments of Government of Odisha
 - iii. Different Corporate Bodies and Govt. Agencies
- ❖ Annex:
 - i. Achievement on FRA in India as on July, 2012
 - ii. Achievement on FRA in Odisha as on August, 2012
 - iii. Recent Press Release on FRA Implementation

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**I. ABSTRACT:
LIST OF CIRCULARS, GUIDELINES,
LETTERS, NOTIFICATIONS &
MINUTES OF MEETINGS
ON FRA, 2006 & RULES, 2008**

ABSTRACT

LIST OF GOVERNMENT CIRCULARS, NOTIFICATIONS & RESOLUTIONS ON FRA, 2006 & RULES, 2007

GOVERNMENT OF INDIA			
Sl. No.	Date	Circular/Notification/ Resolution No. / Source	Subject
1.	18.9.1990	Circular No. 13.-1/90-FP of Govt. of India, Ministry of Environment & Forests.	Review of dispute claims over forest land, arising out of forest settlement Conversion of forest villages in to Revenue villages.
2.	29.4.2005	F.No.11-48/2002-FC, Ministry of Environment and Forests, GOI	Guidelines under Forest (Conservation) Act, 1980, for up-gradation of 'Kutchha roads constructed prior to 1980 in forest areas, to Pucca roads'.
3.	3.11.2005	F No. 2-3/2004 FC, Ministry of Environment and Forests, GOI	Guidelines for diversion of forest land for non forest purposes under the Forest (Conservation) Act, 1980- verification / recognition of rights of tribals and forest dwellers on forest land.
4.	14.2.2006	D.O.No.17014/4/2005-S & M/PC & V (Pt), Meena Gupta, Meena Gupta, Secretary, MOTA	Translation of FRA bill 2005 in Oriya and wide publication of the provision of the bill.
5.	29.12. 2006	The Gazette of India, Extra Ordinary Part II – Section 1, No. 2 New Delhi, January 2, 2007/PAUSA 12, 1928	Publication of The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.
6.	1.1.2008	F. No. 17014/02/2007, Ministry of Tribal Affairs, GOI dated 1 st January, 2008	Notification of FRA Rules.
7.	8.1.2008	DO from Prime Minister dated 8 th January, 2008 addressed to Shri Nabeen Patnaik, Chief Minister of Orissa,	Constitution of State Level Monitoring Committees and District Level Committees and below District Level Committees.
8.	11.1.2008	D.O.No.17014/2/2007 – PC & V (Vol.VI), Sri G.B. Mukharjee, Secy, MOTA, GOI dated 11 th January, 2008	Guidelines for monitoring of the FRA and preparation of operational schedule.

9.	15.2.2008	D.O.NO. N-11016/7/2008-RBH, Sushma Singh, Ministry of Panchayati Raj, GOI dt. February 15, 2008	Holding the Gram Sabha on 28 th February, 2008.
10.	20.2.2008	No.17014/02/2007-PC & V (VOL.VI) (Pt.),Director, Ministry of Tribal Affairs, Government of India dated February 20, 2008	Clarification on provisions in Section 3(1)(c) of Forest Rights Act vis-à-vis Section 4(m)(ii) of PESA Act.
11.	13.5.2008	D.O. NO. 17014/8/2007-PC & V, Dr. Bachittar Singh, MOTA, GOI addressed to Dr. Tara Dutt Commissioner-cum-Secretary, SC & ST Welfare Department, Government of Orissa.	Comments of State Govt. on formation of Forest Rights Committee at a meeting to be convened on 16 th and 23 rd March, 2008 at Palli Sabha without any reference to the local Gram Panchayats and its Sarpanchs and elected members.
12.	13.5.2008	No. 4 – 1 / 2007 – FP Government of India Ministry of Environment & Forests (F.P. Division) dated 13 th May, 2008	Disposal of petty forest offence cases by tribals and other deprived section of the society.
14.	9.6.2008	No.17014/02/2007-PC&V (VOL.VII) Government of India, Ministry of Tribal Affairs dated June 9, 2008	Implications of the phrase "primarily reside in and who depend on the forests or forest lands for bona fide livelihood needs" appearing in sections 2 (c) and 2(o) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.
15.	8.9.2008	No.9-5/2006-NTCA (Part) Government of India National Tiger Conservation Authority dated 8 th September, 2008	Identification / notification of core / critical tiger habitats and relocation of people from such areas, and identification / notification of buffer or peripheral areas under section 38V of the Wildlife (Protection) Act, 1972.
16.	29.10.2008	D.O.No.23011/ 6 / 2008 – FRA, Dr. Bachittar Singh, MOTA, GOI	Seeking comments of the State Government on the issues faulty processes being employed in verification of claims under the Forest Rights Act in Gajapati District, Orissa.
17.	18.11.2008	F. No. 7-1/2008-FP, GOI, Ministry of Environment and Forests, FP- Division dt. 18.11.2008.	Monitoring Formats for implementation of FRA, 2006.-Guidelines to notify critical wild life habitat including constitution and functions of Export Committee scientific information required and resettlement and matters incidental thereto.
18.	3.12.2008	23011/28/2008 SGII, MOTA,GOI	The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2008 - clarification regarding

			consideration of claims under FRA Gram Sabha Should consider 3 months time for acceptances of cases.
19.	18.5.2009	Annexure to letter No. 23011/15/2008-SG.II, MOTA, GOI dated May 18, 2009	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 FR Act, 2006.
20.	30.06.2009	No. 14020/15/2005-SG-II, MOTA, GOI dated 30 th June, 2009	Development of forest villages – details of Population.
21.	30.7.2009	F. No. 11-9/1998-FC (pt.) GOI, Ministry of Environment & Forests (F.P. Division) dated 30 th July, 2009	Diversion of forest land for non forest purposes under Forest (Conservation) Act 1980-Ensuring compliance of the FRA, 2006.
22.	08.9.2009	File No. 9-5/2006-NTCA (pt), GOI, National Tiger Conservation Authority dated 8 th September, 2009	Identification/Notification of Core/Critical tiger habitat and relocation of people from such areas and Identification/Notification of buffer or core areas under section 38 V of the Wild Life Protection Act, 1972.
23.	04.12.2009	D.O. NO. 23011 / 23 / 2009 – FRA, Sri G.B. Mukharjee, Secy, MOTA, GOI	Study Report on the implementation of FRA.
24.	08.1.2010	No.8-63/2007-FC Government of India Ministry of Environment and Forests Paryavan Bhavan, CGO Complex, Lodhi Road, New Delhi Dated the 8 th January, 2010	Diversion of 1253.225 ha of forest land or establishment of Integrated Steel Plant: and Captive Port by POSC-India Pvt. Ltd, Jagathinghpur district of Orissa.
25.	04.3.2010	No. 17014/02/2007-PC&V(Vol. VII)(Pt.), Sri A.K. Srivastava Director, MOTA, dated March 4, 2010	Review meeting held on 24.8.2009 in respect of the implementation of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 – action regarding.
26.	04.3.2010	No. 17014/02/2007-PC&V(Vol. VII)(Pt.), Sri A.K. Srivastava Director, MOTA, dated March 4, 2010	Large scale encroachment on Forest land during implementation of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.
27.	4.3.2010	Sri A.K. Srivastava Director, MOTA, dated March 4, 2010	Applicability of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 in Municipal Corporation Areas.

28.	04.3.2010	No. 17014/02/2007-PC&V(Vol. VII)(Pt.), Sri A.K. Srivastava Director, MOTA, dated March 4, 2010	Delegation of power under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.
29.	06.5.2010	No. 17014/02/2007/PC&V/ FRA (Vol. VII) MOTA, GOI , dated May 6, 2010	Grant of land rights to Taungya cultivators under FRA, 2006
30.	11.6.2010	No. 17014/02/2007/PC&V/ (Vol. VII) (pt.), MOTA, GOI, dated 11. 6, 2010	Supply of copies of certifications on implementation of FRA, 2006 issued in March, 2010.
31.	16.6.2010	D.O. No. 23011/14/2008-FRA Dated: 16.06.2010from ShriBachittar Singh, Joint Secretary, MOTA, GOI	Ensuring district-wise FRA implementation data is uploaded on the MIS developed by Planning Commission regularly and furnishing the requisite information relating to the implementation of the Act in the LWE affected districts / areas to this Ministry, on a regular basis.
32.	21.6.2010	F.No.7-12/2010-FP, (Mohan Lal, AIG (FC) MOEF, GOI	Compelling the Scheduled Tribes dwelling in the National Parks and Wildlife Sanctuaries to leave the premises of National Parks and Wildlife Sanctuaries without settling their rights under the provisions of the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.
33.	15.7.2010	D.O. No. 23011/24/2009-FRA, Sri G.B. Mukharjee, Secy, MOTA, GOI, dated 15 th July, 2010	To initiate action on a statistically acceptable sampling basis, at the level of Gram Sabha and Sub Divisional level Committees for categorizing all rejections, with their numbers and find out the cause of Rejection and include figures for other traditional forest dwellers separately from Scheduled Tribes.
34.	20.7.2010	D.O. No. 23011/24/2009-FRA, Sri G.B. Mukharjee, Secy, MOTA,GOI, dated 20 th July, 2010	Facilitating collection of more community right claims, Holding of SLMC meeting regularly.
35.	22.7.2010	No. 23011/16/2010-FRA, Sri G.B. Mukharjee, Secy, MOTA, GOI	Direction under Section 12 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006.
36.	3.9.2010	D.O. No. 17011/1/2010-FRA, (A.K. Chugh), Secretary (TA),MOTA,, GOI	Before taking any decision on displacement of Scheduled Tribes from National Parks and Sanctuaries, the provisions of the Scheduled tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) act 2006 should be duly compiled with.

37.	23.9.2010	F.No.12-1/2006-FP,(A.M. Singh) DIGF (FP) MOEF,GOI dated 23.Sept, 2010	Implementation of FRA in States- issuing Pattas without proper identification of the actual parcel of (forest) land allotted, and without fixing any boundaries.
38.	20.1.2011	D.O. No. 17014/11/2010-FRA,(A.K. Chugh), Secretary (TA),MOTA,, GOI, 20 th January, 2011	Detailed guidelines and procedure, including the time lines, to be followed while processing the cases for diversion of forest land.
39.	5.5.2011	No. 17014/02/2007-PC&V(Vol. VII)(Pt.), Sri A.K. Srivastava, Director, MOTA, dated 5.5.2011	The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 – clarification on certain issues.
40.	1.9.2011	No. 23011/28/2008-SG-II(FRA), Government of India, Ministry of Tribal Affairs.	The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 – clarification on certain issues.
41.	24.05.2012	DO from V. Kishore Ch.Deo address to Chief Minister of all States 24 th May, 2012	Step for better Implementation and Areas of Concern and Suggested Actions.
42.	28.6.2012	DO No. MTA/VIP 18/48 2012, 28 th June, 2012 from Shri V. Kihore Chandra Deo, Minister, MOTA to Shri Naveen Patnaik, Chief Minister, Odisha	Issuance of instructions to allow unfettered right of transit for sale of bamboo by Gram Panchayat to local buyers which is a right given under FRA, 2006.
43.	12.7.2012	No. 23011 / 32 / 2010 – FRA [Vol. II(pt.)]	Guidelines on the implementation of the Scheduled Tribes & Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006
44.	6.09.2012	The Gazette of India, Extraordinary, PART II- Section 3 – Sub-section (i) No. 440 New Delhi, THURSDAY, SEPTEMBER 6, 2012/BHADRA 15, 1934 Ministry of Tribal Affairs, Notification, New Delhi, the 6 th September, 1012 No. G.S.R. 669 (E)	Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012

GOVT. OF ODISHA			
Sl. No.	Date	Notification/ Resolution No./Source	Subject
1.	25.2.2004	Resolution No. 6792 SSD Dt. 25.2.2004	Constitution of Task Force at the sub-divisional Level, District level and state level to review and monitor implementation of various Rules and Regulations concerning welfare of the Scheduled Tribes and to prevent their exploitation.
2.	1.10.2005	No. 17276/F & E., 10F (Cons)-114/04, Deputy Secretary to Government, Forest & Environment Dept.	Guidelines under Forest (Conservation) Act, 1980 for up-gradation of Kucha roads to constructed prior to 1980 in forest areas, to pucca roads.
3.	10.01.2006	No. 10F (Cons)-2/05—403/E&F, Special Secretary to Govt., Forest & Environment Department	Guidelines for diversion of forest land for non-forest purposes under the Forest (Conservation) Act, 1980 – Verification / recognition of rights of tribal and forest dwellers on forest land.
4.	1 st Feb. 2008	No. 4694/SSD, ST & SC Development Department	Constitution of Committees (SLMC, DLC, SDLC) for implementation of FRA.
5.	15 th Feb. 2008	6182/II.3.08/SSD, ST & SC Development Department, GOO	Implementation of FRA in the State-printing of the required number of copies of the Act and Rules for distribution among the various stake holders and review of implementation.
6.	21 st Feb 2008	8504, Panchayati Raj Department, GOO	Convening on Gram Sabha/Palli Sabha on 28 th February 2008.
7.	25th Feb 2008	GE (GL) S-22/2007/9775/R & DM, Revenue & Disaster Management Department, GOO	1. Training programme in district for Revenue, Forest, ST&SC and Panchayatiraj Dept. 2. Deployment of Amins to assists SDLCs. 3. Supply of village maps from forest and revenue machinery to GS/FRC free of cost 4. Association of credible VO.
8.	26 th Feb 2008	9153/PR, Panchayati Raj Department/ GOO	Convening of Palli Sabha/Gram Sabha on 16 th and 23 rd March and constitution of FRC.
9.	24.03.08 and	13562/PR, Panchayati Raj Department/ GOO	Holding of Palli Sabhas for implementing FRA, 2006 and Rules 2007 within 30 th April, 2008 for constitution of Forest Rights Committee/ latter.
10.	28.03.08	No. 10F (Con) – 06 / 08. 5073 /F & E. , Joint Secretary to Government, Forest & Environment Dept.	Implementation of ST and OTFD (RFR) Act, 2006 and Rules framed there under.

11.	23/5/08	No. PRI-I-IV-9/08_ No. 21948/PR, Panchayati Raj Department/ GOO.	To hold Palli Sabha within 30 th June, 2008 and compliance be reported/ responsibility may be fixed in terms of necessary disciplinary action against defaulting concerned officer.
12.	27.5.2008	No. 2230, ST& ST Development Deptt.	Instructions to involve NGOs in implementing the FRA and to furnishing monthly progress report on FRA implementation.
13.	25.06.2008	No. 24793 / TD-II-11/08, Director, ST/SC Addl. Secy. To Govt., ST & SC Development Dept., GOO	Expedite furnishing the Action Taken Report and Monthly Progress Report in the implementation of FRA
14.	25.07.2008	Memo No.310/76, P.R. Deptt. Dt. 25.7.2008.	Holding of Pallisabha for implementation of STs & Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.
15.	1.9.2008	DO NO. UM-1/08-420/CM, Chief Minister, Orissa	Request for filing a Transfer Petition for transferring all the litigations to the Apex Court and takes steps for their expeditious disposal.
16.	20.9.2008	No.34359 / SSD. TD-II-3/08(I). S.T. & S.C. DEVELOPMENT DEPARTMENT, GOO	Issues in claim verification by SDLC with regards to Forest Rights Act in Gajapati District, Orissa.
17.	20 th Oct., 2008	DO No 36829, Chief Secy., Govt. of Orissa	Utilization of funds under Article 275(1) of the Constitution (interest money) I and the fund under contingencies of the respective offices for buying handheld GPS instruments for preparation of map, records etc. and disposal of claims.
18.	23.10.2008	4147, P.R. Deptt	Issue regarding verification of claims under FRA by SDLC in Gajapati District.
19.	25.10.2008	No. ____/R& DM GE(GL) -S/22/07(Pt), Commissioner-cum-Secy. to Govt. Revenue & Disaster Management Department	Checking up of list of forest villages as per 2001 Census and implementation of FRA in these villages.
20.	31.10.2008	No. PRI - I (IV)-09/2008 Director, P.R & Addl. Secy. to Govt.	Implementation of STs and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006-Conversion of all Forest Villages in the State into Revenue Villages.

21.	3 rd Nov., 2008	Principal, CCF Orissa	Holding fact finding review meetings at Revenue Divisional level in the 2 nd /3 rd week of November'08 where specific difficulties, etc. in carrying out the mandate of the new statute would be discussed.
22.	6.11.2008	38766, ST& ST Development Deptt.	Furnishing MPR on Status /Progress of implementation of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 & Rules, 2008 in the State.
23.	6.11.2008	38848, ST& ST Development Deptt	Engagement of retired Revenue Inspectors/ Amins.
24.	6.11.2008	PRI -I/(IV)/9/08 /43137/ PR, PR Dept., Govt. of Orissa	District wise position on Constitution of FRC through Palli Sabha as on 31.08.2008
25.	11.11. 2008	TD-I-TSP-105/ 08- 39223/SSD, ST & SC Development Department, GOO	Sanction of Grants for implementation of FRA.
26.	18.11.2008	F.No. 7-1 / 2008 – FP	Monitoring formats for implementation of ST & OTFD (Recognition of Forest Rights) Act, 2006
27.	21.11. 2008	TD-11-51/08-40373, ST & SC Development Department, GOO	Frequently Asked Questions on Implementation of FRA, 2006 and their replies/ Conversion of forest and un-surveyed villages and old habitations on forest land into revenue villages.
28.	30.12.2008	PRI-(IV) – 9/08 49408/PR	Holding Palli Sabhas under FRA, 2006 and Rules, 2007
29.	06.01.2009	Memo No. 1805 / SSD	To convey Special Meeting on Palli Sabhas and Palli Sabhas from dt. 18.1.2009.
30.	4.2.2009	No. 6061 /SSD, TD – II – 51/08, CS, GA Dept	In-depth review of implementation of the Act and furnishing review note along with the MPR to the nodal department i.e. ST & SC Development Department regularly on monthly basis by 5 th of each succeeding month.
31.	17.4.09	13295/TDII-3/08, SSD	Engagement of Retired Forest Officials/RI, Amins for verification of claims.
32.	10.7.09	24828/TD ii/618, SSD	Development of Forest villages - furnishing the required information on no. of people (community wise) living in each forest village.
33.	19.8.2009	No. 26286 / SSD, TD-II-32/08, SSD	Taking up expeditious action to issue certificate of title to the eligible forest dwelling scheduled tribes and other traditional forest dwellers under the Act.

34.	20.8.2009	No <u>28318</u> / SSD. , Stat & D/Cell-23/09, SSD	Orientation training programme of Govt. officials on ST & Other Traditional Forest Dwellers Right (Recognition of Forest Rights) Act, 2006.
35.	21.8.2009	28807/SSD	Invitation to Local MLA for distribution of patta to the eligible Scheduled Tribes and Other Traditional Forest Dwellers under the FRA, 2006.
36.	31.8.2009	No.GE (GL) S-23/09 (Pt-II) - <u>34149</u> / R & DM, Commissioner-cum- Secy. to Govt. Revenue & disaster management department	Furnishing information on number of titles for forest land issued along with area and number of families covered both in individual and community claims.
37.	19.9.2009	No <u>36818</u> / CSR&D.M, Revenue & Disaster Dept.	Association of Hon'ble MLAs and Hon'ble MPs in distribution certificate of titles under FRA, 2006.
38.	6.10.2009	36638/SSD TD-II 32/2008	Distribution of certificates of titles under FRA 06 & Rules 07 by 15.10.2009.
39.	6.10.2009	36639/SSD TD-II 32/2008	Organization of special awareness campaign and training for Special Officers of Micro Projects and separate reporting on Micro Projects in MPR.
40.	8.10.09	No .CB-II-R-14/09 <u>38997</u> / R&D.M., Revenue & Disaster Dept.	Inter-active Training Programme with Field Level Officers under Gramsat Pilot Project
41.	9.10.09	No <u>36899</u> / SSD. Stat. & D.Cell- 27/09,ST& ST Development Deptt.	Distribution of title deeds land to the landless Scheduled Tribe person belonging to Particularly Vulnerable Tribal Groups (PTGs) under the STs and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006
42.	23.10.2009	No <u>40938</u> CSR&D.M, Revenue & Disaster Dept.	Grant of Titles to ST persons under RFR Act, 2006-2 stage clearance in respect of pre-1980 encroachment cases.
43.	25.11.2009	No. 10F (cons) 6/2008 <u>19902</u> /F&E, FOREST & ENVIRONMENT, DEPARTMENT	Clarifications on Claims under the Forest Rights Act.

44.	2.12. 2009	D.O. No. 43137/ Dated 2 nd December, 2009, from Shri Ashok K.Tripathy, I.A.S, Principal Secretary to Government, ST& ST Development Deptt.,	"Squad Approach" for 100 percent coverage of Particularly Vulnerable Tribal Groups (PTG) under the FRA, 2006 as desired by C.M.
45.	5.12.09	No. 38708 /PR II-NREGS-43/09, Panchayati Raj Department/GOO	Land Development, Horticulture Plantation and Farm Pond in the Land of Beneficiaries under Forest Rights Act under NREGS – regarding.
46.	14.12.2009	D.O. No. 43137/ Dated 14.12, 2009, from Shri Ashok Ku. Tripathy, I.A.S, Principal Secretary to Government, ST& ST Development Deptt.,	Engagement of Retired RIs, Amins and Advocate for land allotment ti STs as per Regulation 2 of 1956, FRA and other Revenue Laws in OTELP Areas.
47.	15.12.2009	No 48387 /R&DM, GE(GL)-S-23/09(Pt.), Special Secretary to Govt., Rev. & Disaster Dept.	Grant of titles to ST persons under ST & OTFD (RFR) Act,2006
48.	26.12.2009	No 45659 /SSD TD- II-32/08, Special Secretary to Govt., ST & SC Development Department	To communicate the copy of the final order of Grama Sabha/SDLC/ DLC to the claimants of both individual and community claims & settlement of claims in the Reserved and Protected forest and Formation of FRC in the village.
49.	31.12.2009	D.O. No. 46126/SSD, from Shri Ashok Ku. Tripathy, Principal Secy., SSD, GOO	Pre 1980 encroachment cases relating to tribals can be settled under Forest Rights Act, 2006
50.	4.1.2010	No. 68/CSR &D.M. from Shri R. K. Sharma, Comm.-cum- Secy, R&DMD, GOO	Settlement of the non forest land under OGLS & OPLE Act
51.	5.1.2010	No. 71/MR&DM, From Shri S.N. Patra, Minister, R&DM, GOO	To treat the application in case of non-forest land under Vasundhra, under
52.	6.1.2010	No. 1567/SSD	Organisation of Training Programme for Tribal Youths on implementation of Forest Rights Act – 2006 & Other Welfare programmes.

53.	27.1.2010	D.O. No. – 3435	Implementation of ST & OTFDs (Recognition of Forest Rights) Act, 2006
54.	11.2.2010	No. GE(GL)-S-23/09(Pt-1)-5309/R&DM	Grant of Titles to eligible STs and Other Traditional Forest Dwellers under ST&OTFD(RFR)Act, 2006
55.	25.2.2010	No. 2779 /9F (Misc.) 75/09 (Vol – II), Principal CCF, Orissa	Implementation of the Scheduled Tribes & Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 – recognition of forest rights over the claims made in respect of the forest land under the control of the Forest Department.
56.	9.3.2010	D.O. No. 9728/TD-II – 32/08	Implementation of STs and Other Traditional Forest Dwellers (Recognition of Forest Right) Act, 2006
57.	10.3.2010	No. 10021/SSD, Stat & D.Cell – 28/09	Printing of 1000 copies of compendium consisting of circulars / instructions issued from time under Forest Rights Act, 2006
58.	26.3.2010	D.O. No. – 12514/ TD – II- 32/08	Signature of DWO in the title instead of PA ITDA
59.	3.4.2010	D.O. No. - 12976 /, ST & SC Development Dept.	Sharing of the maps and verification report with the Gram Sabha.
60.	5.4.2010	D.O. No. – 13012, ST & SC Development Dept.	Adoption of 'Micro Planning Approach' for processing of Claims under ST & OTFD's Act, 2006
61.	5.4.2010	No 13013 /SSD, TD-II-32/08, ST & SC Development Dept..	Uploading of Claim cases in the Website.
62.	17.4.2010	D.O. No. – 13792 Stat & D. Cell – 28/09, ST & SC Development Dept.	Distribution of Certificate of Titles to Particularly Vulnerable Tribal Groups (PTG) in the Micro project Area under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006
63.	1.5.2010	D.O. No. – 16721 Stat & D. Cell – 32/08, ST & SC Development Dept.	Payment of expenditure incurred under FRA from the fund available under Article 275(1).
64.	31.5.2010	No. 23529 / SSD, Stat & D. Cell-10/09, ST & SC Development Dept.	Ordered that the Resolution be published in the next issue of Orissa Gazettee

65.	22.9.2010	D.O. No. – <u>38206</u> TD – II – 32/08, ST & SC Development Dept	Awareness under the ST & OTFD' Act, 2006 – Number of Individual Claim petition
66.	29.10.2010	No. SM13209- 43974 / RDM, Revenue & Disaster Dept.	Guidelines for correction of ROR and Maps for forest land in revenue villages for which title has been issued under the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006
67.	29.6.2011	No. 23310/SSD TD-II (FRA)/06/2011 from Director (ST&SC) – cum- Addl Secretary to Govt., SSD	Review of Implementation of FRA, 2006 and Rules, 2007 through Video Conferencing held on 9.6.2011.
68.	16.8.2011	No. TD-II-(FRA)- 06/11(Pt.) <u>27687/CS(SSD)</u> , Chief Secy. GOO	Cent percent coverage of Forest Rights Act beneficiaries under different Government Schemes
69.	20.10.2011	No. TD-II-(FRA)- 6/11(Pt.) <u>32660/CS(SSD)</u> , Chief Secy. GOO	Inclusion of sketch-map in the individual title under the STs & Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 and Rules, 2007.
70.	22.11.2011	No. <u>35570</u> / SSD TD-II(FRA)-06/2011, ST & SC Development Dept.	Clarification regarding approval of certificate of title, to "PatharBaniPahada" & "Parbat Kisam" of land under Scheduled Tribes & Other Traditional Forest dwellers (Recognition of Forest Rights) Act, 2006
71.	1.12.2011	No. 22839 VI-NREGS-30/09 (Pt.), Panchayati Raj Department/GOO	Convergence through MGNREGA
72.	31.12.2011	No. <u>39998</u> / SSD TD-II(FRA)-6/2011, ST & SC Development Dept.	Clarification between "Gramya Jungle Jogya" for confirmation of title under the ST and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006
73.	04.01.2012	No. <u>202</u> / SSD TD-II(FRA)-06/2011, ST & SC Development Dept.	To provide Sketch map of the Forest Land to the Claimant under FRA
74.	28.2.2012	No. <u>9182</u> / SSD TD-II(FRA)-06/2011 (P), ST & SC Development Dept.	Clarification on convening District Level Committee Meeting under the STs and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.

75.	12.3.2012	No. <u>10070</u> / SSD TD-II(FRA)-06/2011, ST & SC Development Dept.	Clarification sought for Pahad and DangarKissam of land for settlement of claims under Forest Rights Act, 2006.
76.	2.5.2012.	No. <u>14195</u> / SSD TD-II(FRA)-06/2011, ST & SC Development Dept.	Cent percent coverage of Particularly Vulnerable Tribal Groups (PTG) Households in the Micro Project Area.
77.	25.6.2012	No. <u>20925</u> / TD-II (FRA)-06/2011, ST& SC Development Dept.	Uniformity on Issue of Certificate of Titles to the Individual Title holders Under the ST and Other Traditional Forest dwellers (Rights to Fore4st) Act. 2006.
78	10.9.2012	No. 17-PADM-19-1033- 15718, Government of Orissa, Panchayati Raj Department	Leveraging the “ <u>Gram Sabha Sashaktikaran Karyakram</u> ” to ensure greater benefits to the SC and ST beneficiaries at the village level.

CORPORATE BODIES, GOVT. AGENCIES. NGOS

Sl. No.	Date	Notification/Resolution Number/Source	Subject
1.	27.05.2008	No.602, Programme Director, OTELP, & Ex-Officio Addl. Secy. to Govt.ST &SC Development Deptt.Govt. of Orissa	Information on land related matters.
2.	06.06.2008	No.1448/VII-20/08, Project Administrator, ITDA, Malkangiri	Extension of 6 months time period for settlement of Forest Rights.
3.	09.06.2008	No. 653/123/06, OTELP	Action on Land related matters to P.A, ITDA Parlakhemundi /Koraput/Th.Rampur, Balliguda.
4.	09.06.2008	No.658, OTELP	Minutes of 9 th Meeting of State Level Programme Management Committee (SLPMC) under OTELP.
5.	12.06.08	No. 670/123/06, OTELP	Settlement of Govt. Land including un-surveyed land with eligible landless tribal families and conforming forest rights as per the ST and other TFD, at 06 Rule 2007.
6.	13.06.2008	No. 681, OTELP	1. Oriya Version of letter No. 24571 dt. 5.6.2008 of Jt. Secy. to Govt. Revenue & D.M. Department. 2. Inclusion of Sub-Collector on special invitee to DPMC Meeting.
7.	25.06.2008	Orissa Tribal Empowerment & Livelihoods Programme (ST & SC Development Department) 25 th June 2008	Experiences and issues – FRA implementation CSOS Collectives.
8.	11.07.2008	L.No.1612, Collector & D.M. Gajapati	Official Order for Field Survey from 15.7.2008 to 31.7.2008.
9.	21.07.2008	No. 825, Orissa Tribal Empowerment & Livelihoods Programme (ST & SC Development Department) dated 21.7.08	Proceeding of Workshop on land rights held on 15.7.08.
10.	24.07.2008	No.836 Orissa Tribal Empowerment & Livelihoods Programme (ST & SC Development Department) dt.24.7.2008	Engagement of staff to support for land survey in OTELP area.

11.	04.08.2008	No. 896, Orissa Tribal Empowerment & Livelihoods Programme (ST & SC Development Department)	Information on 'Mo jami- Mo diha' campaign.(My land My homestead) Campaign.
12.	11.09.2008	Sj. SanjoyPattnaik, RCDC, Bhubaneswar	Issues in claim verification by SDLC with regards to Forest Rights Act in Gajapati District, Orissa.
13.		Sj. GopinathMajhi State Convener and Members (Campaign for Survival and Dignity, Orissa)	Major Concerns raised for better implementation Forest Rights Act in Orissa by CSD, Orissa.
14.	26.11.2009	No. 1590, OTELP	Intimation to the P.A.s of ITDAs of OTELP districts relating to the effective implementation of FRA.
15.		Members of facilitating Groups	Regarding Government of Orissa notification for convening special Palli Sabha on 18 th January 2009 in the State.

**II. CIRCULARS/NOTIFICATIONS/
LETTERS ISSUED BY DIFFERENT
MINISTRIES OF GOVT. OF INDIA**

Circular No. 13-1/90-FP of Government of India, Ministry of Environment & Forests, Department of Environment, Forests & Wildlife dated 18.9.90 addressed to the Secretaries of Forest Departments of all States/UTs.

II.1 FP (2) Review of disputed claims over forest land, arising out of forest settlement

It has been brought to the notice of this Ministry that local inhabitants, living in and around forest areas, have preferred claims on certain notified forest lands contending that they were in occupation of such areas prior to the initiation of forest settlements and/ or their rights were not enquired and/ or commuted before notifying these lands as forests under respective laws. The claimants are requesting that title of such lands should be conferred on them. It is being felt that even bonafide claims are persistently overlooked causing widespread discontentment among the aggrieved persons. Such instances ultimately erode the credibility of the Forest Administration and sanctity of the forest laws, especially in the tracts inhabited by tribals.

2. Seized of its complexities, the issue regarding disputed claims over forest land was got critically examined by this Ministry through an inter-Ministerial Committee. The Committee, after prolonged deliberations and due consultations with representatives of some of the states, stressed the need to resolve such disputes with utmost urgency and suggested the feasible course of action to redress genuine grievances without jeopardising protection of forests and forest land. Keeping in view the recommendations of the said committee and with due approval of the competent authority, the following course of action is suggested for amicably resolving disputed claims on forest land:

2.1 The States/ UTs Administration should review the cases of disputed claims over forest land and identify the following three- categories of claims;

- (a) Claims in respect of forest areas notified as 'deemed Reserved Forest' without observing the due process of settlement as provided in Forests Acts provided that these pertain to
 - (i) tribal areas or affect a whole cross section of rural poor in non-tribal areas; and
 - (ii) the claimants are in possession of the "disputed land".
- (b) Claims in tribal areas wherever there is *prima facie* evidence that the process of forest settlement has been vitiated by incomplete or incorrect records/maps or lack of information to the affected persons, as prescribed by law, provided that:
 - (i) Such forest settlement pertains to a period after 1947; and (ii) the claimants are in possession of the "disputed land".
 - (ii) Claims in tribal areas wherever the process of settlement is over but notification under Section 20 of the Indian Forest Act, 1927 (or corresponding section of the

relevant Act) is yet to be issued, particularly where considerable delay has occurred in the issue of final notification under Section 20, provided that the claimants are still in possession of 'disputed land'.

2.2 After identifying the above three categories of the claims, the State Government/UT Administration should get these enquired through a Committee which should consist of atleast the concerned Divisional Forest Officer, Sub-divisional Officer (Revenue Department) and a representative of the Tribal Welfare Department. The Committee should determine genuineness of the claims after examining all available evidence to establish that:

- (i) in case of category 2.1 (a) the claimant was in possession of the disputed land when the notification declaring 'deemed reserved forests' was issued; and
- (ii) in case of categories 2.1(b) and 2.1(c) the claimant was in possession of the disputed land when the notification showing Government intention to declare reserved forest was issued under Section 4 of the Indian Forest Act, 1927 (or corresponding section of the relevant Act) and his rights were not commuted or extinguished in accordance with due process of law.

2.3 In no case either the Government or the above Committee shall entertain any claim in which the claimant has not been in possession of the disputed land throughout.

2.4 Once the bonafides of the claims are established through proper enquiry, the State/UT Government may consider restoration of titles to the claimants. While deciding to restore titles to the claimants the following aspects should be duly considered:

- (i) As far as possible, restoration of claims should not result in honey-combing of forest land. In such cases possibility of exchange of land near periphery or else where (e.g. non-forest Government land) should be exhausted.
- (ii) The land to be restored to the claimants should be properly demarcated on the ground with permanent boundary marks.

2.5 After the State Government/ UT Administration has decided in principle to restore titles to the claimants proposals may be formulated suitably and submitted for seeking prior approval of this Ministry under the provision of the Forest (Conservation) Act, 1980, alongwith proposals for compensatory afforestation

3. Progress of the action taken/proposed to be taken under the above guidelines may kindly be conveyed to the Ministry.

II. 2. FF(3) Disputes regarding pattas/ leases/ grants involving forest land.

An inter-Ministerial Committee, which was set up by this Ministry to look into various aspects of tribal -forest-interface has pointed out that a number of cases of pattas/ leases/ grants involving forest land in one way or the other, have become contentious issues between different departments of the State/UT Govts. Such pattas/leases/grants are said

should be examined by district level committees consisting of D.F.O., S.D.O., Revenue Department, a representative of Tribal Welfare Department. The disputes should be resolved at the district level wherever it is possible, or after obtaining suitable orders of the States/UT Govt. or the Government of India (if the provisions of the Forest (Conservation) Act, 1980 are attracted), as the case maybe.

2.3 Leases of a period prior to 25.10.1980 which were granted to the Scheduled Tribes or to other rural poor for agro-forestry, tree plantation or alike but could not be renewed, despite the State/ UT government's intention to do so, on account of enactment of the Forest (Conservation) Act, 1980 should be examined expeditiously. Wherever the State/UT Government's desire to continue the leases proposals should be submitted to this Ministry, in the prescribed manner, for seeking prior approval under the Forest (Conservation) Act, 1980. Pending final decision, that lessees should not be dispossessed of the land.

2a. In cases where Forest (Conservation) Act is attracted proposals for denotification of forest land should be accompanied by proposals for compensatory afforestation. This Ministry may be kept informed of the action taken/ proposed to be taken in this connection.

IL3. FP (1) Review encroachments on forest lands.

Encroachment of forest land for cultivation and other purposes continues to be most pernicious practice endangering forest resources throughout the country. Statistical information compiled by the then Ministry of Agriculture during early 1980s revealed that nearly 7 lakh hectares of forest land was under encroachment in the country about a decade back. This is despite the fact that prior to 1980, a number of States had regularised such encroachments periodically and approximately, 43 lakh hectares of forest land was diverted for various purposes between 1951 and 1980, more than half of it for agriculture. The decisions of the State Govts. to regularise encroachments from time to time seem to have acted as strong inducement for further encroachments in forest areas and the problem remained as elusive as ever for want of effective and concerted drive against this evil practice.

The National Forest Policy 1988 has also observed the increasing trend in encroachments on forest land and stated that these should not be regularised. Implementation of this pronouncement has been examined by this Ministry keeping in view the constraints of various State Governments, some of whom have expressed that they stand committed to regularise encroachments of a period prior to 1980. The issue figured prominently in the Conference of the Forest Ministers held in May, 1989 and was later examined by an inter-Ministerial Committee, set up by this Ministry in consultation with the representatives of some of the States. Keeping in view the recommendations of the Forest Ministers' Conference and the Committee referred to above, and with due approval of the competent authority, the following measures are suggested for review of the old encroachments and effective implementation of the pronouncement made in this regard in the National Forest Policy, 1988.

2.1 All the cases of subsisting encroachments where the State Governments stand committed to regularise on account of past commitments may be submitted to this Ministry for seeking prior approval under the Forest (Conservation) Act, 1980. Such proposals should invariably conform to the criteria given below:-

1. Pre-1980 ENCROACHMENTS WHERE THE STATE GOVERNMENT HAD TAKEN A DECISION BEFORE ENACTMENT OF THE FOREST (CONSERVATION) ACT, 1980, TO REGULATE 'ELIGIBLE' CATEGORY OF ENCROACHMENTS.

1.1 Such cases are those where the State Governments had evolved certain eligibility criteria in accordance with local needs and conditions and had taken a decision to regularise such encroachments but could not implement their decision either wholly or partially before the enactment of the Forest (Conservation) Act on 25.10.80.

1.2 All such cases should be individually reviewed. For this purpose the State Govt. may appoint a joint team of the Revenue, Forest and Tribal Welfare Departments for this work and complete it as a time bound programme.

1.3 In cases where proposals are yet to be formulated, the final picture after taking into considerations all the stipulations specified here may be placed before the concerned Gaon Sabha with a view to avoid disputes in future.

1.4 All encroached lands proposed for regularisation should be properly surveyed.

1.5 Encroachments proposed to be regularised must have taken place before 25.10.80. This must be ascertained from the First Offence Report issued under the relevant Forest Act at that point of time.

1.6 Encroachments must subsist on the field and the encroached land must be under continuous possession of the encroachers.

1.7 The encroacher must be eligible to avail the benefits of regularisation as per the eligibility criteria already fixed by the State.

1.8 As far as possible scattered encroachments proposed to be regularised should be consolidated/ relocated near the outer boundaries of the forests.

1.9 The outer boundaries of the areas to be denotified for regularisation of encroachments should be demarcated on the ground with permanent boundary marks.

1.10 All the cases proposed to be regularised under this category should be covered in one proposal and it should give districtwise details.

1.11 All cases of proposed regularisation of encroachment should be accompanied by a proposal for compensatory afforestation as per existing guidelines.

1.12 No agricultural practices should be allowed on certain specified slopes.

2. INELIGIBLE CATEGORY OF PRE-1980 ENCROACHMENTS WHERE THE STATE GOVERNMENTS HAD TAKEN A DECISION PRIOR TO THE ENACTMENT OF THE FOREST (CONSERVATION) ACT, 1980.

2.1 Such cases should be treated at par with post 1980 encroachments and should not be regularised.

3. ENCROACHMENTS THAT TOOK PLACE AFTER 24.10.80.

3.1 In no case encroachments which have taken place after 24.10.1980 should be regularised. Immediate action should be taken to evict the encroachers. The State/UT's Government may, however, provide alternate economic base to such persons by associating them collectively in afforestation activities in the manner suggested in this Ministry's letter No. 6-21/69-FI dated 1.6.90, but such benefits should not extend to fresh encroachers.

This Ministry may kindly be apprised of the action taken/ proposed to be taken in this regard.

11.4. FP (4) Elimination of intermediaries and payment of fair wages to the labourers on forestry works

Forestry works are one of the important sources of livelihood to the tribals and other rural poor living in and around forests. On a number of occasions in the past, especially in the deliberations of the Central Board of Forestry, the need to eliminate contractors and other intermediaries in forestry operations has been emphasised with a view to ensure fair wages to the labourers. The National Forest Policy, 1988 has again reiterated that contractors should be replaced by institutions such as tribal cooperatives, labour cooperatives Government cooperatives etc as early as possible. A number of States/UTs have taken steps to excite these works through Government agencies viz. State Forest Departments, Forest Corporations. Nevertheless, at operational level certain aberrations still persist resulting in under payment of wages to the labourers. In order to protect tribals and other rural poor from and fair wages to them, the following guidelines may kindly be complied with

- a. no outside labour should be engaged in forestry operations where local tribal labour is adequately available;
- b. no contract should be entered into for imported labour;
- c. tribal cooperatives should be involved wherever labour is in short supply,

- d. representatives of Tribal Welfare Departments should sit in the Wage Board appointed by Forest Department for fixation of daily wages rates;
- e. norms for payment of wages for piece works should be worked out by carrying out detailed work studies; and
- f. uniform wage rates should be prescribed for similar piece of works throughout the area by the State Government for all agencies; and
- g. for payment of wages for forestry operations the State Forest Department and Forest Corporations should comply with the provisions of the Minimum Wages Act

Action taken/ proposed to be taken in this respect may kindly be intimated to this Ministry.

Joint Secretary,
Government of India

II.4. FP (5) Conversion of forest villages into revenue villages and Settlement of other old habitations

Forest villages were set up in remote and inaccessible forest areas with a view to provide uninterrupted man-power for forestry operations. Of late, they have lost much of their significance owing to improved accessibility of such areas, expansion of human habitations and similar other reasons. Accordingly, some of the States converted forest villages into revenue villages well before 1980. Nevertheless, there still exist between 2500 to 3000 forest villages in the country. Besides, some cases of other types of habitations e.g. unauthorised houses/ homesteads, dwellings of tribals who have been living in them in virtually pre-agrarian life styles, are suspected to exist in forest lands even though these may not have been recognised either as revenue villages or forest villages.

2. In March, 1984, the then Ministry of Agriculture suggested to the state/UT Govts that they may confer heritable and inalienable rights on forest villagers if they were in occupation of land for more than 20 years. But this suggestion does not seem to have been fully implemented. Development of forest villages has also been endorsed in the National Forest Policy, 1986 which states that these should be developed on par with revenue villages. This issue was again examined by an inter - Ministerial Committee, set up by this Ministry to look into various aspects of tribal-forest-interface, in consultation with representatives of some of the States.

3. Although the forest villages have lived in harmony with their surrounding forests and the concept of forest villages proved an effective arrangement for sustained supply of manpower, yet it would not be appropriate to deny them legitimate rights over such land which were allotted to them decades ago for settlement and have been continuously under their occupation since then. Keeping this aspect and the recommendations of the inter - Ministerial Committee the following measures are suggested to resolve the outstanding issues of forest villages and other types of habitations existing in forest lands.

3.1 *Forest villages*

Forest villages may be converted into revenue villages after denotifying requisite land as forest. Proposals seeking prior approval of Government of India for this purpose under the Forest (Conservation) Act, 1980 may be submitted "expeditiously. While converting these villages into Revenue Villages, the following principles may be adhered to:

- (i) the villages are conferred heritable but inalienable rights;
- (ii) administration of these and other Revenue Villages enclaved in forest areas should preferably be entrusted to the State Forest Departments.

3.2 *Other Habitations*

(a) Habitations other than Forest Villages may be grouped into the following categories:

- (i) Cases where dwellings belong to persons who have encroached on forest land for cultivation.
 - (ii) dwelling of other persons who have been living therein since past without encroaching on forest land for cultivation but their habitations are neither recognised as Revenue Villages nor Forest Villages.
- (b) Each case may be examined on its merits. Suggestions for resolving the cases are given below:
- (i) In case of category (a) (i) above, wherever encroachments for agricultural cultivation are regularised, the house sites and homesteads, too, may be regularised either in situ or as near to agricultural field as possible subject to certain safeguards in the interest of forest protection and "eligibility" criteria as may be evolved by the State Government.
 - (ii) In case of category (a)(ii) above, certain specific habitations, more than 25 years old, involving sizeable group of families, may be examined, case by case, on merits for their amicable settlement.
 - (iii) Scheduled Tribes and rural poor not covered under (i) and (ii) above should be resettled in non-forest Government land.
 - (iv) All other unauthorised habitations must be evicted.
 - (v) Wherever provisions of the Forest (Conservation) Act, 1980 are attracted, comprehensive proposals may please be submitted for seeking prior approval of this Ministry. It may kindly be noted that such proposals will be considered only when the State/ UT Govt ensure that all the measures are taken simultaneously

and effectively and are accompanied with proposals for compensatory afforestation.

4. This Ministry may kindly be kept informed of the action taken/proposed to be taken in this regard.

II.5. FP (6) Payment of compensation for loss of life and property due to predation/depredation by wild animals.

It has been observed that loss of life and property by wild animals is not compensated adequately by the State Governments. Different States have different norms for compensating such losses. The maximum compensation for loss of human life varies from Rs. 2000 (Orissa) to Rs. 20,000 (Bihar). In the interest of inhabitants in and around forests as well as wild fauna it is essential that loss of human life is compensated in such a way that it is fully commensurate with the amount required to settle the dependents of a deceased earning member of the family. The loss of property including livestock also needs to be compensated fully.

2. This issue was discussed in detail by an inter-ministerial committee set up by this Ministry for this purpose. The recommendations of the Committee were considered and after obtaining approval of the competent authority it is suggested that the following norms may be accepted for the same being.

- (a) Death or permanent incapacitation - Minimum of Rs 20,000/- Part amount of the compensation should be paid through long term deposit;).
- (b) Grievous injury - one third of (a).
- (c) Minor injury - cost of treatment.
- (d) Loss of cattle - Market value (category-wise).
- (e) Damage to house or crop or any other property - As per assessment of damage. Compensation should be revised subsequently to bring it on par with the amount admissible to riot victims. The quantum of compensation may be reviewed periodically with a view to bring it on par with any better norm.

2.1 The compensation shall be governed under the regulations made under Wildlife (Protection) Act.

This Ministry may kindly be apprised of the action taken/proposed to be taken in this regard.

F.No.11-48/2002-FC
Govt. of India
Ministry of Environment & Forests
F.C. Division

Paryavaran Bhawan,
CGO. Complex, Lodhi Road
New Delhi,

Date: 29th April, 2005

To

The Principal Secretary (Forests)
All States/UTs.

Sub: Guidelines under Forest (Conservation) Act, 1980, for up-gradation of 'Kutchha roads constructed prior to 1980 in forest areas, to Pucca roads'.

Sir,

In continuation of this Ministry's letter of even number dt. 14.9.04 regarding guidelines for repair and maintenance of roads constructed on forest lands prior to 1980, and with reference to the above - mentioned subject, I am directed to convey the approval of the Central Govt. to the following guidelines, meant for up-gradation of 'Kutchha roads constructed prior to 1980 in forest areas, to Pucca roads.

1. The up-gradation of roads constructed in forest areas prior to 1980 from 'Kutchha to Pucca' is allowed to the extent that these roads are not black topped/tarred, and if during the process of up-gradation, these roads need to be black topped / tarred, prior environmental clearance shall be sought by the user agency in this regard.
2. For such up-gradation in protected Ares like National Park/Sanctuaries, prior permission of National Board of Wildlife and the Supreme Court shall be taken by the State/UT Government.
3. Fire for melting of coal tar and mixing, shall be lit at a safe distance from the trees/vegetation, which shall be decided by the concerned Divisional Forest Officer. For such constructions, it is better to avoid dry /hot windy seasons. For this purpose, fuel wood shall be purchased by the implementing agency in advance from the depot of State Forest Development Corporation.
4. No crushing breaking of stones shall be allowed inside forest areas. Readymade materials shall be used for up-gradation of such roads.
5. Both sides of the upgraded roads shall be reinforced with brick/stone works, and vegetative measures to check soil erosion, at the project cost, in consultation with the Divisional Forest Officer.
6. No tree felling shall be allowed.
7. No widening of roads shall be undertaken without prior permission of the Central Govt. under Forest (Conservation) Act, 1980.
8. No breaking of fresh forest land shall be carried out.

9. Plantation activities, if the concerned Divisional Forest Officer finds it necessary, shall be taken up along the road at the project cost immediately. The plantation shall be maintained at the project cost.
10. No labour camp shall be established on the forest lands.
11. No work shall be allowed after sunset.
12. Any other condition that the Divisional Forest Officer may impose from time to time for the protection and improvement of flora and fauna in the forest area, shall be applicable.
13. Any damage to forest area due to such up-gradation works shall be compensated by the implementing agency from the project cost. The extent of damage shall be assessed by the concerned Divisional Forest Officer.
14. State Forest Department shall establish permanent check posts on strategic locations on such roads which are already up-graded/ under up-gradation.

Yours faithfully,

Sd/-

(Anurag Bajpai)

Asst. Inspector General of Forests

F. No. 2 – 3 / 2004 - FC
GOVERNMENT OF INDIA
MINISTRY OF ENVIRONMENT AND FORESTS
(F.C. Division)

Paryavaran Bhawan.
C.G.O Complex, Lodhi Road,
New Delhi – 110 003.

Dated: 3rd November, 2005.

To

The Chief Secretary /Administrator,
(All State/Union Territory Governments)

Sub: Guidelines for diversion of forest land for non-forest purposes under the Forest (Conservation) Act, 1980- verification/recognition of rights of tribals and forest dwellers on forest land.

Sir,

State/Union Territory (UT) Governments are aware that this Ministry has issued detailed guidelines on 18th September 1990 to address contentious issues related to forest - tribal interface namely (i) settlement of disputed claims arising out of defective forest settlement, (ii) cases of pattas, leases, grants involving forest land (iii) conversion of forest villages into revenue villages and settlement of other old habitations, and (iv) regularization of encroachment on forest land. These guidelines had provided for a three - member committee consisting of an official each from Revenue, Tribal welfare and Forest Departments to verify the rights/claims of tribal and other forest dwellers covered under the above guidelines.

2. The guidelines of 18th September, 1990 mentioned above sought to address the problems of the forest dwellers, including tribals, which originated from faulty forest consolidation both during the British and the post independence periods. However, no further progress could be made due to various reasons and no proposal was received by the Central Government for consideration under the provisions of Forest (Conservation) Act, 1980. The Central Government also issued a clarification vide letter No. IGF/FC/2002 dated, 30.10.2002 regarding settlement of disputed claims, simplified the procedure for stepping up of process of conversion of forest villages into revenue villages vide letter No.11-70/2002-FC/Pt.) dated 03.02.04 and issued supplementary guidelines for regularization of the rights of the tribals and other forest dwellers on forest land vided circular No.2-1/2003-FC (Pt). dated 05.02.2004.

3. State/UT Governments are also aware that the Hon'ble Supreme Court of India has issued certain directions which are also related to a few issues of forest tribal interface. These are (i) order dated 13.11.2000 restraining de-reservation of forests till further orders (ii) order dated 23.11.2001 restraining regularization of encroachment on forest land till further orders, and (iii) order dated 23.2.2004 staying the operation of Ministry's guidelines dated 5.2.2004 cited above. The Central Government has already filed affidavits and requested the Apex Court to modify/ withdraw the above restraints.

4. However, in pursuance of the Supreme Court Order dated 23.11.2001, the Central Government has instructed all the State/UT Governments on 3rd May 2002 to evict all ineligible encroachers from forest land in a time bound manner. Consequent follow-up action by the State/UT Governments for evicting the in-eligible encroachers brought the issue of the disputed claims and rights of the genuine tribals and for ST dwellers on the forest land, to the forefront. Upon critical examination of the issue, it emerged that State/UT Governments could not maintain a distinction between traditional tribals / forest dwellers and in-eligible encroachers, while dealing with the eviction of in-eligible encroachers.

5. The Ministry of Environment and Forests observed that, though the orders dated 13.11.2000, 23.11.2001 and 23.2.2004 of the Supreme Court are still in force, there is no bar on verification of claims related to the period prior to 25.10.1980 which can be undertaken to avoid further delay in resolving the matter once the Apex Court accepts the request of the Government to withdraw / modify the restrictions imposed by it. Simultaneously, taking the genuineness of claims of tribals / forest dwellers into consideration and without prejudice to Supreme Court orders, the Ministry of Environment and Forests found it appropriate to request the State/UT Governments that, as an interim measure they should not resort to eviction of tribals and forest dwellers other than ineligible encroachers till complete survey is done for recognition of such people and their rights. Orders have already been issued in this regard by the Ministry of Environment and Forests vide letter dated 21.12.2004.

6. Therefore, without prejudice to the orders of the Hon'ble Supreme Court of India, keeping in view the facts mentioned above and with an objective of making best use of interregnum to verify the claims of tribals / forest dwellers, the State/UT Governments are requested to adopt following procedures.

1. FORMATION OF COMMITTEES

- (i) Set up a village Level or Local Committee to verify the claims of disputed settlement of tribals and forest dwellers (other than in-eligible encroachers) on forest land. This committee shall consist of the following members:-
- a) Sarpanch of the village (Chairperson).
 - b) Two knowledgeable village elders or senior citizens (at least one being women) selected in Gram Sabha meeting specifically called for this purpose.
 - c) Talathi or patweri;
 - d) Chairman of the Joint Forest Management Committee (if existing) and;
 - e) Forest /Beat Guard (to be Secretary of the Committee).

In case of Group Gram Panchayat and for villages other than the main village, a member of Gram Panchayat will be the chairperson. In case of forest settlements not coming under any Gram Panchayat, the traditionally accepted Mukhiya shall be the Chairperson.

- (ii) Set up Block of Taluka Level Review Committee to review such cases where the claimant is aggrieved by the decision of the Village Level or Local Committee. This Committee shall consist of the following members.
- a. Member of Zilla Parishad as Chairperson (nominated by Chairperson of Zilla Parishad).
 - b. Member of Panchayat Samiti (nominated by the Block Pramukh).
 - c. Naib Tehsildar;
 - d. Asst. Tribal Welfare Officer or Asst. Project Officer (ITDP); and
 - e. Concerned Range Forest Officer nominated by the territorial Divisional Forest Officer concerned (to be Secretary of the Committee).
- (iii) Set up District Level Committee (DLCs) involving Deputy Collector, Sub-Divisional Forest Officer and the representative of Tribal Welfare Department for final notification. Sub-Divisional Forest Officer (Asst. Conservator of Forests) shall be the Convener of the Committee.

(2) PROCEDURE TO BE FOLLOWED BY THE COMMITTEES.

- a) It is a necessary to examine all claims pertaining to disputed claims arising out of defective forest settlements and pattas and leases granted on forest land. This will be done within the purview of the guidelines of Government of India dated 18.09.1990. The claims should cover not only claims over individual plots of land but also collective / communitarian ownership claims and should include claims over forest products from surrounding forests based on customary use and / or use permitted by earlier princely state / zamindari regimes. The claims of shifting cultivators and pre-agricultural communities should also be addressed within such a framework.
- b) With a view to ensuring that –
 - (i) all concerned claimants are informed
 - (ii) all claimants have an opportunity to make their claims in their language.
 - (iii) the weaker sections of the community are spared the time and expense of travel,
 - (iv) all claimants are covered and no person is not given an opportunity to be heard,

Calling for and verification of claims shall be done in the gram sabha meeting of the village specifically called by the Local Committee for the purpose.

- c) A timetable giving the dates and time of the meetings of the gram sabha should be prepared and publicized in advance within a fixed time period.
 - (i) to select two village elders or senior citizens to act as members of the committee.
 - (ii) for the local committee to invite claims supported by evidence.
 - (iii) for the local committee to verify the claims and present their findings.
- d) A team comprising one officer each from Revenue, Tribal Welfare and Forest Departments should be appointed at Block Level to ensure that the process is conducted in a disciplined and regulated manner to enhance local women and men's participation.
- e) Traditional methods of publicity in the local language must be used to inform the people about the programme of deciding the eligibility of claims. Field staff of State Forest Department, Joint Forest Management Committees (if existing), Rural Development, Social Welfare and ICDS etc. should be involved in disseminating information about the

progress, particularly to village women through the organizations such as SHGs and Mahila Mandals.

- f) Information regarding the task of the committee, its aims, objectives and procedure should be made available in the village square, Gram Panchayat office of all villages, Panchayat Samiti, Forest Range Office and Tahsil Office as well as ICDS, RD, State Forest Department, Health and Education Departments. State Forest Department shall pay special attention in communicating information to remote settlements and unsurveyed villages.
- g) After publicizing the programme of the Gram Sabha at least three weeks in advance, a Gram Sabha meeting calling for claims should be conducted by the village committee.
- h) On receipt of complete application (in Gram Sabha) from the claimants, all claims should be verified in the presence of the assembly in the subsequent Gram Sabha meeting specifically called for the purpose not later than two weeks of such receipt.
- i) As far as possible all meetings of the Gram Sabha should necessarily be held in the late afternoon or late evenings so as to ensure large attendance of villagers.
- j) All Claims verified and accepted by the village Level or Local Committee shall be forwarded to the Block Level Review Committee.
- k) The Local Committee will also give a copy of its findings to the claimants in the Gram Sabha meeting.
- l) the Block Level Review Committee will submit its recommendations to the District Level Committee (DLC) for final ratification. DLC, while ratifying, will take following into consideration.
 - (i) The DLC must satisfy itself that the name(s) of the tribals / forest dwellers exist in the census data of 1981, 1991 and 2001 including the electoral rolls of the area to confirm their existences and continued possession of forest land till date.
 - (ii) The tribals and other forest dwellers should be living on the forest land prior to 1980 and also should be in continued possession of forest land till date.
 - (iii) In no case, the Committee shall entertain any claim in which the claimant has not been in possession of the disputed land throughout.

- (iv) The Committees shall examine traditional and customary rights of the particular tribe and other forest dwellers on particular forest land and forest produce.
- (v) The Committee shall examine the land use pattern of the forest land under occupation of such people.
- m) All appeals will be heard by the Block Level Review Committee or District Level Committee, as the case may be after three weeks notice of the appellant.

(3) NATURE OF EVIDENCE TO BE PRODUCED BEFORE THE LOCAL /BLOCK LEVEL COMMITTEES.

- a) It is necessary to clarify the type of evidence(s) that may be used to decide the period of land occupation. As a ROR is not necessarily a proof of claim or otherwise, an assessment of the ground realities, as they existed in the relevant time, is necessary and is possible by verification of natural and situational evidence(s) of the subsisting claims. Hence, a responsible local committee conversant with ground realities has the opportunity to verify the same and can record the evidence of the claimant and opinion of other knowledgeable villagers about the point of time since when the land has been under continuous occupation of the claimant. Benefit of doubt should be given to the claimant.
- b) A variety of evidences, both oral and/or documentary, establishing the claim period can be regarded as proof of the claim, hence, the Committee can accept the following as evidence.
 - (i) Documentary evidence from any Government/Semi-Government source;
 - (ii) Documentary evidence from any prior research or documentation of a reputed institution, including survey maps.
 - (iii) Relevant evidence gathered from spot verification to be done by more than three members of the committee including patwari;
- c) It is important that the village Level or Local Committee definitively decides about the period of the claim. While giving the findings about eligible cases, the following two points should be kept in mind;
- d) The claimant should also fulfill all other conditions laid down in the respective Government's decisions in that regard. In case, the eligibility criteria specified by the

respective State/UT Government are not in consonance with those constrained in the guidelines issued in 1990 by the Ministry of Environment and Forests, the latter i.e. Provisions of 1990 tribal- forest guidelines shall prevail.

- e) If the respective State/UT Government has not issued any specific orders prescribing any other eligibility criteria for claims arising out of defective forest settlements, pattas and leases granted and subsisting encroachments prior to 1980, the criteria laid down in the 1990 guidelines issued by the Ministry of Environment and Forests shall be adopted.

4. CRITERIA FOR ACCEDPTING CLAIMS.

While deciding upon the claim, the village level committee should pay attention to the following criteria within the limits of the guidelines issued by the Ministry of Environment and Forests in 1990.

- (i) All claims where the claimant has Government / Semi-Government/ other relevant documentary evidence in support, and the claimant has been living on the forest land prior to 1980 and also is in continuous possession of forest land till date, should be accepted.
- (ii) If a claimant does not have documentary evidence in support of her/his claim but the gram sabha, on the basis of other relevant evidence, is of the opinion that the claim is legitimate, such claims should be carefully examined by the local committee and the benefit of doubt should be given to the claimant. Decision of the local committee shall be taken by simple majority.
- (iii) If the claimant does not have relevant documentary evidence and the gram sabha has also projected her / his claim, the veracity of such claims should be carefully examined by the local committees and such claims should be specifically referred to the review committee.
- (iv) Claims should cover not only claims regarding individual plots of land but also collective/ communitarian ownership claims. Claims should also include claims over forest products based on customary use. Claims of shifting cultivators and pre-agricultural communities should also be addressed within this frame work.
- (v) All claims that are upheld within the purview of the 1990 guidelines of the Ministry of Environment and Forests shall be forwarded by DLC to the Nodal Officer (Forest

Conservation) of the State /UT Government who in turn shall forward the proposal duly recommended by the PCCF, to the State /UT Government.

- (vi) In cases, where claims are rejected, necessary action should be taken for ex-situ rehabilitation on non-forest Government lands.
- (vii) In case of National Parks/Sanctuaries, State/UT Governments shall consider ex-situ rehabilitation on non-forest Government lands outside the limits of the National Parks/Sanctuaries.
- (viii) The proposals to be sent to Central Government should be submitted according to the procedure and conditions prescribed under the Forest Conservation Act, 1980 and shall in addition, include a proposal for permanent demarcation of the land for which claims are proposed to be settled and a proposal for Compensatory Afforestation in lieu of forest land diverted for settlement.

5. TRAINING AND PUBLICITY WORKSHOP AT TALUKA LEVEL.

- (i) The following process may be adopted with a view to expedite the process and keep it simple;

Pre planned publicity should be done. After the publicity is done, and before the process of verification is initiated, training workshops be organized by the district committee with the assistance of knowledgeable NGOs at the taluka level for Sarpanchas, Dy. Sarpanchas, Panchayat Samiti and Zila Parishad members, Forest Officers and functionaries, Tribal Welfare Officers and functionaries, Traditional Leaders, Senior citizens, Journalists, Revenue Officials and functionaries, Talathis and members of the Taluk/ Village level Committees.

- (ii) All officials should be invited to these workshops and should be given the information of the procedures and processes of village level enquiry.
- (iii) A separate session should be held for NGOs, CBOs, Activists and Journalists.
- (iv) Gram Sabha meetings should be held after the programme is planned and announced.

6. OTHER MATTERS

- (i) To supervise the progress of verification of claims of forest dwellers, including tribals, on forest land prescribed under these guidelines mentioned above, a State

Level Task Force may be constituted under the chairmanship of Chief Secretary with Principal Chief Conservator of Forests, being the co-chair. Task Force shall meet after every three months.

- (ii) Entire process may be completed within a period of one year.
- (iii) Last but not least, the purpose of this communication is to complete the process of survey and documentation of claims for future implementation (subject to the final orders to be passed by the Hon'ble Supreme Court of India) of the guidelines dated 18.09.1990 of the Ministry of Environment and Forests, as relevant to pre-1980 situation, in respect of which no follow up action could be taken presumably for want of supporting procedural guidelines. These procedures have been prescribed now without prejudice to the orders of the Apex Court.

Yours faithfully,

Sd/-

Sandeep Kumar

Assistant Inspector General of Forests

Copy to:-

1. Principal Secretary / Secretary / Secretary (Forests, All State / Union Territory Governments).
2. PCCFS / Nodal Officers, All States / UTs.
3. All Regional Offices, Ministry of Environment and Forests, Government of India.
4. AND OTHERS.

Sd/-

Sandeep Kumar

Assistant Inspector General of Forests

**Secretary to the Government of India
Ministry of Tribal Affairs
Shastri Bhawan, New Delhi – 110001
Website: www.tribal.nic.in
E-mail: meena.gupta@nic.in**

D.O.No.17014/4/2005-S & M/PC & V (Pt.)

February 14, 2006

Dear Subas,

As you are aware, the **tenurial and access rights of forest dwelling Scheduled Tribes in respect of forest land, traditionally habited by them for ages**, have not been adequately recognized under the existing rules and guidelines, resulting in historical injustice to them. The National Common Minimum Programme (NCMP) of the UPA Government also emphasizes the urgent need to redress the problems of the tribal communities dependent on forests and to undo the historical injustice done to them.

2. In order to meet the commitments in the NCMP, the Ministry of Tribal Affairs was mandated to formulate a comprehensive legislation for redressing the historical injustice done to tribal communities and for clear assertion of their legal rights on land. After extensive consultations with the concerned Central Ministries, wildlife experts, environmentalists and tribal right experts, this Ministry has introduced a Scheduled Tribes (Recognition of Forest Rights) Bill, 2005 in the Lok Sabha on 13th December, 2005, which seeks to recognize and vest the forest rights and occupation in forest land in forest dwelling Scheduled Tribes, who have been residing in such forests for generations, and to provide a framework for recording the forest rights so vested. The Bill when enacted would recognize the rights of forest dwelling Scheduled Tribes relating to their (a) tenurial security, providing them a great relief against the physical and psychological alienation of land belong to them; (b) livelihood in terms of subsistence agriculture and ownership of Minor Forest produce (MFP), including rights to collect, trade and process the same; and (c) traditional and customary rights.

3. A copy of the Scheduled Tribes (Recognition of Forest Rights) Bill, 2005, as introduced in the Lok Sabha, is enclosed. The Bill has been referred to a Joint Committee of both the Houses of Parliament for consideration.

4. The Joint Committee, at its sitting held on 16th January, 2006, desired that the Bill might be translated into some of the regional languages and circulated in the States/Union Territories concerned in order to elicit suggestions from a wide section of the people of the country. The Ministry had accordingly approached the Ministry of Law and Justice (Legislative Department) to find out the feasibility of the translation of the Bill into some of the regional languages and the arrangements available with them for getting the bill translated into the regional languages. The Ministry of Law & Justice (Legislative Department), vide their Letter No.13(1) / Misc./06/Leg. II dated 27th January, 2006 (copy enclosed), has advised this Ministry to approach the respective State Governments for the translation of the Bill into any particular regional language. On being apprised of this position, the Joint Committee on the Bill has also desired this Ministry to take up the matter regarding translation of the Bill into regional Languages with respective State Governments and also arrange for its wide publicity.

5. We would, therefore, request you to kindly have the enclosed Bill translated into Oriya language, through the concerned Department of the State Government, and provide a copy thereof to this Ministry urgently for apprising the Joint Committee. You are also requested to kindly arrange for wide publicity of the provisions of the Bill amongst the wide section of the people in the State, as desired by the Joint Committee.

Yours sincerely,

Sd/-
(Meena Gupta)

Shri. S. C.Pani
Chief Secretary,
Government of Orissa,
Bhubaneswar.



भारत का राजपत्र

The Gazette of India

असाधारण

EXTRAORDINARY

भाग II - खण्ड - I

PART II - Section I

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. २ नई दिल्ली, मंगलवार, जनवरी २, २००७/ पोष १२, १९२८
No. 2 NEW DELHI, TUESDAY, JANUARY 2, 2007/PAUSA 12, 1928

इस भाग में दिए हुए खण्डों की धाराएँ हैं जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 2nd January, 2007/PAUSA 12, 1928 (Saka)

The following Act of Parliament received the assent of the President on the 29th December, 2006, and is hereby published for general information:-

THE SCHEDULED TRIBES AND OTHER TRADITIONAL FOREST DWELLERS (RECOGNITION OF FOREST RIGHTS) ACT, 2006

No. 2 of 2007

(29th December, 2006)

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;

AND 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 I PRELIMINARY

- | | | |
|------------------------------|----|---|
| Short title and commencement | 1. | <p>(1) This Act may be called the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.</p> <p>(2) It extends to the whole of India except the State of Jammu and Kashmir.</p> <p>(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.</p> |
| Definitions | 2. | <p>In this Act, unless the context otherwise requires, -</p> <p>(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;</p> <p>(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;</p> <p>(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 bonafide livelihood needs and includes the Scheduled Tribe pastoralist communities;</p> <p>(d) "forest land" means land of any description falling within any forest area and includes unclassified forests, undermarked forests, existing or deemed forests, protected forests, reserved forests, Sanctuaries and National Parks;</p> <p>(e) "forest rights" means the forest rights referred to in section 3;</p> <p>(f) "forest villages" means the settlements which have been established inside the forests by the forest department or 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 <i>saungya</i> settlements, by whatever name called, for such villages and includes lands for cultivation and other uses permitted by the Government;</p> <p>(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;</p> |

- (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 *bonafide* livelihood needs.
Explanation - For the purpose of this clause, "generation" means a period comprising of twentyfive 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 RIGHT :

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 :-

Forest rights of
Forest
dwelling
Scheduled
Tribes and

- (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;
- (f) 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 or other traditional forest dwellers 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.

other
traditional
forest dwellers.

- (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 :-

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- (a) schools;
- (b) dispensary or hospital;
- (c) anganwadis;
- (d) fair price shops;
- (e) electric and telecommunication lines;
- (f) 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 up-gradation 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 :-

Recognition of, and vesting of, forest rights in forest dwelling Scheduled Tribes and other traditional forest dwellers.

- (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 promises 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 and 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.

Duties of
holders of
forest rights.

- (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

Authorities to
vest forest
rights in forest
dwelling
Scheduled
Tribes and
other
traditional
forest dwellers
and procedure
thereof.

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 sub-section (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 thereunder 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:

Offences by members or officers or authorities and Committees under this Act.

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.

Cognizance of offences

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 any of the following matters, namely:-

Members of authorities, etc., to be public servants

Protection of Action taken in good faith

Nodal agency

Power of Central Government to issue directions

Act not in derogation of any other law

Power to make rules

Act of 1996

- (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 to 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. CHATURVEDI,
Secy. to the Govt. of India.

**Scheduled Tribes
and
other Traditional Forest Dwellers
(Recognition of Forest Rights) Rules
2007**

**(TO BE PUBLISHED IN THE GAZETTE OF INDIA,
EXTRAORDINARY, PART II, SECTION 3, SUB-SECTION (i)
OF DATED 1st JANUARY, 2008)**

**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 G.S.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 Dwellers (Recognition of Forest Rights) Act, 2006 (2 of 2007);
- (b) "bonafide livelihood needs" means fulfillment of sustenance needs of self and family through production or sale of produce resulting from self-cultivation of forest land as provided under clauses (a), (c) and (d) of sub-section (1) of section 3 of the Act;
- (c) "claimant" means an individual, group of individuals, family or community making a claim for recognition and vesting of rights listed in the Act;
- (d) "disposal of minor forest produce" under clause (c) of sub-section (1) of section 3 of the Act shall include local level processing, value addition, transportation in forest area through head-loads, bicycle and handcarts for use of such produce or sale by the gatherer or the community for livelihood; (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.

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

Provided that where there is a heterogeneous population of Scheduled Tribes and non Scheduled Tribes in any village, the members of the Scheduled Tribe, primitive tribal groups (PTGs) and pre-agricultural communities shall be adequately represented.

- (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;
- (c) 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

- (d) 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) 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; and
- (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 ;

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, Panchayati 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) furnish a six monthly report on the process of recognition, verification and vesting of forest rights and submit to the nodal agency such returns and reports as may be called for by the nodal agency;
- (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.

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 claims 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 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 preagricultural community for determination of their rights to habitat, which may either be 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.
- (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 authorized officer.
- 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 authorised documents such as voter identity card, ration card, passport, house tax receipts, domicile certificates;
- (c) physical attributes such as house, huts and permanent improvements made to land including levelling, bunds, check dams 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 Rights 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;
- (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 orders, 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.

Dr. Bachittar Singh, Joint Secretary
[F. No.17014/ 02/ 2007-PC&V (Vol.VII)]

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

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ANNEXURE - I

[See rule 6(l)]

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
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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 Act)
 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):

The Scheduled Tribes and Other Traditional Forest Dwellers
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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. Name of dependents:
4. Address:
5. Village/gram sabha:
6. Gram Panchayat:
7. Tehsil/ Taluka:
8. District:
9. Whether Scheduled Tribe or Other Traditional Forest Dweller
10. Area:
11. 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/ Deputy
Conservator of Forests**

District Tribal Welfare Officer
District Collector/ Deputy Commissioner

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ANNEXURE – III
[See rule 8(h)]
TITLE TO COMMUNITY FOREST RIGHTS

1. Name(s) of the holder (s) of community forest right:
2. Village/ Gram Sabha:
3. Gram Panchayat:
4. Tehsil/ Taluka:
5. District:
6. Scheduled Tribe/ 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 forest right as mentioned in the Title to the above mentioned holders of community forest rights.

**Divisional Forest Officer/ Deputy
Conservator of Forests**

District Tribal Welfare Officer

District Collector/ Deputy Commissioner

Signature/ Thumb Impression
of the Claimant (s):

PRIME MINISTER,

New Delhi,

8 January, 2008

Dear Sri Patnaik Ji,

As you are aware, the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 has now been notified along with the Rules. This is a landmark legislation in independent India that seeks to provide rights over land in their occupation to forest-dwelling scheduled tribes and other traditional forest dwellers who have been residing there for generations but whose rights could not be recorded.

You may appreciate that it is necessary to ensure proper implementation of this Act expeditiously, in keeping with the Rules provided under it. The responsibility for implementation vests with the State Governments which are required to constitute Committees under the Act that would process the cases and ensure distribution of land rights. Therefore the **State Level Monitoring Committees, District Level Committees and below district level Committees should be constituted at the earliest** so that the work can commence. The Rules provide for the composition of these Committees and their respective functions.

There should be effective communication at multiple forums to ensure that the provisions of this Act and Rules are well known and such public information contributes to transparency and accountability in implementation. Ministry of Panchayati Raj would be writing separately to you to organize Gram Sabhas across the country on an appointed day to ensure that the provisions of this Act are made widely known to Members of the Gram Sabha and Panchayats who will play a critical role in its implementation.

Needless to stress, while implementing the Act, it should be ensured that adequate protection is provided to critical wildlife habitats as provided for in Section 4 of the Act.

I look forward to your leadership and cooperation in the speedy and effective implementation of this significant legislation.

With warm regards,

Yours sincerely,

Sd/-

(Manmohan Singh)

**Shri Naveen Patnaik,
Chief Minister of Orissa
Bhubaneswar.**

Most Immediate

**Gautam Buddha Mukherji
Secretary to the Government of India
Ministry of Tribal Affairs
Shastri Bhawan, New Delhi - 110001**

D.O.No.17014/2/2007 –PC & V (Vol.VI)

11th January, 2008.

Dear

1. Kindly refer to my D.O. letter of even number dated 27th September, 2007, nominating the Secretary in charge of the Tribal Welfare Department in your State to be the nodal agency under Section -11 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006 for implementation of the provisions of the Act and also to be the representative of this Ministry to act as a member of the State Level Committee to be constitute for identification/ declaration of Critical Wildlife Habitats as per the provisions of the Act.
2. The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006 has been notified for operation with effect from 31st December, 2007 and the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules 2007 for implementing the provisions of the Act have also been notified on 1st January, 2008. I am enclosing copies of both the notifications dated 31st December, 2007 and 1st January, 2008 for your information.
3. As mentioned in my letter dated 27th September, 2007, the Act envisages determination and vesting of a number of forest rights, individual as well as community rights, in the forest dwelling Scheduled Tribes and other traditional forest dwellers. The Whole process for determination of forest rights would start at the level of Gram Sabha, which will be scrutinized at Sub-Divisional Level Committee, after which the District Level Committee will approve/ award forest rights. The rules notified on 1st January, 2008 envisage the constitution of various Committees under the Act viz. the Sub-Divisional Level Committee, District Level Committee and the State Level Monitoring Committee, by the State Governments.
4. I would, therefore request you to kindly constitute these Committees in your State immediately, and also initiate necessary action for recognition and vesting of the forest rights in the forest

dwelling Scheduled Tribes and other traditional forest dwellers under the Act as per a time bound Schedule.

5. You would no doubt appreciate that it would be necessary to create awareness about the objectives, provisions and procedures of the Act and the Rules amongst the forest dwelling Scheduled Tribes and other traditional forest dwellers and the concerned authorities under the Act through various measures to achieve the purpose for which the Act has been enacted. The nodal agency nominated in your State for implementing the provisions of the Act may, therefore, be directed to take necessary steps immediately to:
 - a) ensure that awareness is created about the objectives, provisions and procedures of the Act and the rules through various measures including awareness programmes and printed material such as posters in the regional language;
 - b) ensure the translation and publication of the Act and the rules in all the regional languages and arrange to distribute to all Gram Sabhas, Forest Rights Committees and also departments of the Government including Panchayati Raj, Rural Development, Tribal and Social Welfare and Forest Departments;
 - c) undertake the orientation of officials, civilian representatives and Non-Government Organizations in the State, who can then be called upon to assist as resource persons in the awareness programmes;
 - d) sensitize the District Level Committee on the objectives, provisions and procedures of the Act and the rules.
6. The District Level Committees in your State may also be advised to undertake awareness campaigns on the objectives, provisions and procedures of the Act and the rules through traditional and other means and ensure that the Act and the rules are printed in regional languages and distributed in the offices and prominent places at the village, block and Sub-divisional level and special efforts are taken in particular to ensure that the information reaches the settlements located in remote areas. These Committees may also raise awareness through workshops and other means to sensitize members of the Sub-Divisional Level Committee, officials of Panchayat Raj, Rural Development, Agriculture, Education, Forest, Tribal and Social Welfare Departments, on the objectives, provisions and procedures of the Act and the Rules.