

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

UNION OF INDIA

India

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Rule

THE-SCHEDULED-TRIBES-AND-OTHER-TRADITIONAL-FOREST-DWELLERS (RECOGNITION OF FOREST RIGHTS) RULES, 2007

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The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2007 Published vide Notification G.S.R. 1(E), dated 1.1.2008, published in the Gazette of India, Extraordinary, Part 2, Section 3(i), dated 1.1.2008 Last Updated 31th December, 2019 [22/972] G.S.R. 1(E), dated 1st January, 2008. - 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 25-6-2007; 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 [***]. (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) "bona fide livelihood needs" means fulfilment 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 (e) of sub-section (2) of section 4 of the Act and pass appropriate resolutions; and (e) constitute Committees for the

protection of wildlife, forest and bio-diversity, 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 bio-diversity 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 pro forma of claims to the claimants as provided in Annexure I (Forms A and 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 and 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:--

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| (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 pre-agricultural 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 to the Gram Sabha or Forest Rights Committee, as the case may be, and facilitate its clarification, if required, through an authorised 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 or 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 abovementioned 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 to 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.

ANNEXURE - I

[See rule 6(1)]FORM A Claim Form For Rights To Forest Land[See rule 11(1)(A)]1. Name of the claimant (s):2. Name of the spouse3. Name of father/mother4. Address:5. Village:6. Gram Panchayat:7. Tehsil/Taluka:8. District:9. (a) Scheduled Tribe : Yes/No(Attach Certificate)(b)Other Traditional Forest Dweller: Yes/NoIf a spouse is a Scheduled Tribe (attach 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 occupieda) for habitationb) 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 31)9. Any other information:.....Signature/Thumb-impression of the Claimant(s):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. OTFD community: Yes/No2. 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 rightsa. uses or entitlements (fish, water bodies), if any:b. Grazing, if anyc. 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 31)8. Any other information:.....Signature/Thumb-impression of the Claimant(s):ANNEXURE II[See rule 8(h)]Title For Forest Land Under Occupation1. 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 Dweller10. 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 ForestsDistrict Tribal Welfare OfficerDistrict Collector/Deputy CommissionerANNEXURE III[See rule 8(h)]Title To Community Forest Rights1. 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 ForestsDistrict Tribal Welfare OfficerDistrict Collector/Deputy Commissioner