

❖ **GRAM SABHA TO ISSUE TRANSIT PERMIT AND COLLECTION OF MFPs ARE FREE FROM ALL ROYALTIES OR FEES:**

- * Forest dwellers or their cooperatives or associations or federations can transport minor forest produce (MFP) by appropriate means of transport within and outside forest area.
- * The transit permit shall be given either by the Committee constituted by the Gram Sabha under clause (e) of sub-rule (1) of rule 4 or by the person authorized by the Gram Sabha
- * Gram Sabha will approve all decisions of the committee pertaining to issue of transit permits, use of income from sale of forest produce or modification of management plans shall need the approval of the Gram Sabha.
- * The procedural requirement of transit permit in no way shall restrict or abridge the right to disposal of minor forest produce.



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SALIENT FEATURES OF THE SCHEDULED TRIBES AND OTHER TRADITIONAL FOREST DWELLERS (RECOGNITION OF FOREST RIGHTS) AMENDMENT RULES, 2012

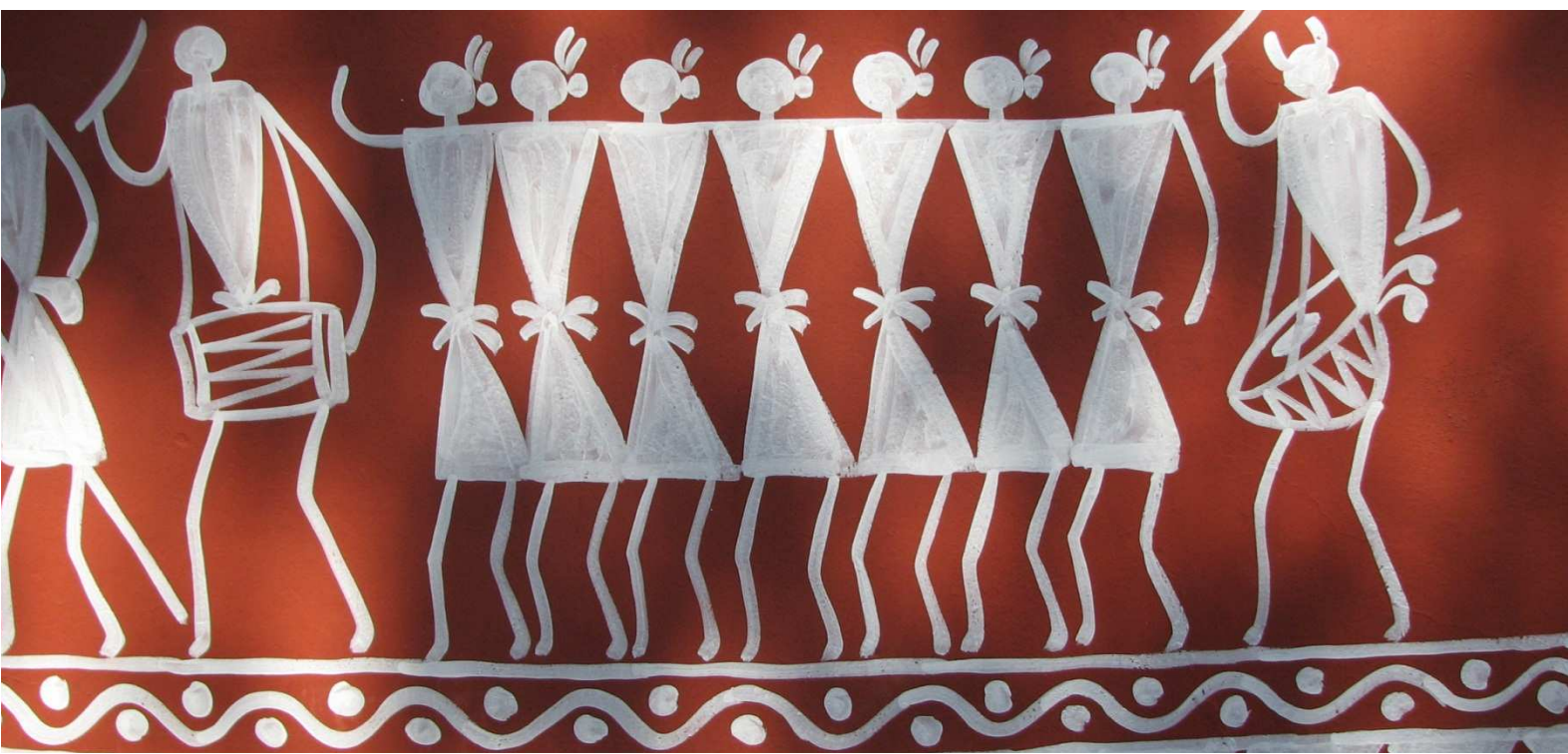


INTRODUCTION

- The Central Government, vide the Ministry of Tribal Affairs, New Delhi Notification dated 6th September, 2012 through the Gazette of India, Extraordinary, Part II Section 3 Sub Section- 1 vide no. GSR 669 amended the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2008 for better implementation of the Forest Rights Act, 2006.
- The title of the amended rules is the “Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012”.
- The Rules, 2012 bring more clarity to provisions relating to recognition of forest dwellers’ rights to conserve and manage community forest resources and give more powers to Gram Sabha to ensure sustainable management

❖ IDENTIFICATION AND CONSOLIDATION OF UNCOVERED HAMLETS FOR VESTING FOREST RIGHTS AND CONVERSION OF FOREST VILLAGES INTO REVENUE VILLAGES:

- Panchayat to prepare a list of hamlets or habitations, unrecorded or unsurveyed settlements or forest villages or taungya villages, formally not part of any revenue villages or recorded forest village and get the list passed through a resolution by convening the Gram Sabha of each such habitations and hamlets to include these as villages for the purpose of the Act and submit such list to Sub-Divisional Level Committee and District Level Committee for their finalization.
- District Level Committee to make available list of villages for public comments before finalization.
- After finalization of the lists of hamlets and habitations, the process of recognition and vesting of rights by the Gram Sabhas and Forest Rights Committee of these hamlets and habitations may be undertaken without disturbing any rights, already recognized.
- The District Level Committee shall ensure conversion of forest villages, unrecorded settlements and such conversion shall include the actual land use of the village in its entirety, including lands required for current or future community uses, like, schools, health facilities and public spaces.



❖ CONSTITUTION AND FUNCTIONING OF FRC:

1. At least two third members shall be Scheduled Tribes and at least one third shall be women.
2. The Forest Rights Committee shall not reopen the forest rights recognized or the process of verification of the claims already initiated before 6th September, 2012.

❖ FUNCTIONING OF GRAM SABHA

1. The quorum of the Gram Sabha meeting has been reduced which shall be not less than one-half of all members of such Gram Sabha and at least one-third of the members present shall be women.
2. At least fifty per cent of the claimants to forest rights or their representatives shall be present when any resolutions in respect of claims to forest rights are to be passed. Such resolution shall be by a simple majority of those present and voting.
3. The Gram Sabha shall be provided with the necessary assistance by the State authorities.



❖ FOREST RIGHTS CLAIMS CANNOT BE REJECTED ARBITRARILY

- * Any modification or rejection of a claim by the Gram Sabha or a recommendation for modification or rejection of a claim forwarded by the Sub-Divisional Level Committee to District Level Committee, needs to be communicated to the claimant.
- * No petition of the aggrieved person shall be disposed of by any authorities without giving reasonable opportunity for presenting anything in support his claim.
- * Sub-Divisional Level Committee or the District Level Committee cannot insist upon any particular form of documentary evidence while deciding any forest rights claim other than evidence specified in rule 13.
- * Satellite imagery and technological tools cannot be treated as the replacement of evidence prescribed in the Act for verifying the claims, but can only be used as supplements.
- * The new rules put additional conditions for rejections to ensure that claims are not rejected arbitrarily by the authorities. The authorities will now not be able to reject the claims after being absent from the field verification process. In case the District Level Committee does not approve a claim approved by the Gram Sabha and the Sub-Divisional Level Committee, it shall have to record the detailed reasons for doing so in writing and a copy of its order made available to the concerned claimant.

❖ FREE AVAILABILITY OF PROFORMA/ FORMATS OF

- * Ensure easy and free availability all three claim forms including the new Forms such as Claim Form for Right to Community Forest Sources.



❖ RIGHTS TO PROTECT, CONSERVE AND MANAGE COMMUNITY FOREST RESOURCES

- * New claim form C and title deed for community forest resources introduced
- * Procedure prescribed for delineation of boundary and mapping of community forest resources.
- * Boundary of Community Forest Resource may include existing legal boundaries such as reserved forests, protected forests, National Parks and Sanctuaries
- * Forest rights related to protection, regeneration and management of community forest resources by forest dwellers for sustainable use shall be recognized in all the villages; in case this is not done in a village the reason shall be recorded by the Secretary of District Level Committee.
- * The District Level Committee should ensure providing a certified copy of the record of the right to community forest resource and title under the Act is provided to the concerned Gram Sabha or the community whose rights over community forest resource have been recognized under clause (i) of sub-section(1) of section 3.

❖ GRAM SABHA TO CONSTITUTE COMMITTEE AND APPROVE THE CONSERVATION AND MANAGEMENT PLAN FOR COMMUNITY FOREST RESOURCES:

- * The Gram Sabha shall constitute committee under rule 4 (e) which shall prepare a conservation and management plan for community forest resources and if it considers this necessary then can integrate such conservation and management plans with the micro plans or working plans or management plans of the forest department with necessary modifications.
- * Gram Sabha will monitor and control the committee constituted under clause (e) of sub-rule (1) of rule 4.
- * Gram Sabha will approve decision of the committee pertaining to modification of conservation and management plan.

❖ RECOGNITION OF PTG AND PASTORAL/NOMADIC COMMUNITY RIGHTS

- * The District Level Committee shall ensure that all Particularly Vulnerable Tribal Groups receive habitat rights, in consultation with their concerned traditional institutions and their claims for habitat rights are filed before the concerned Gram Sabhas, wherever necessary by recognizing floating nature of their Gram Sabhas.
- * The District Level Committee shall facilitate the filling of claims by pastoralist, transhumant and nomadic communities as described in clause (d) of sub-section (1) of section 3 before the concerned Gram Sabha.



❖ SLMC MEET ONCE IN A QUARTER

- * SLMC meet at least once a quarter to monitor the process of recognition and vesting of forest rights
- * Consider and address the field level problems
- * Furnish quarterly progress report, which includes status of claims, compliance required under the Act and reasons for rejection of claims

❖ POST CLAIM SUPPORT TO HOLDERS OF FOREST RIGHTS:

- * Ensure all government schemes such as land improvement, land productivity, basic amenities and other livelihood measures relevant to upliftment of forest dwelling Scheduled Tribes and other Traditional Forest Dwellers whose rights have been recognized and vested under the FRA are provided.

