

F.No. 23011 / 34 / 2016 - FRA
Government of India
Ministry of Tribal Affairs

Shastri Bhawan, New Delhi
Dated : 21st March, 2017

To

1. All Principal Secretaries/Secretaries in charge of State Tribal Welfare Departments.
(All States except Jammu and Kashmir, Punjab and Haryana)
2. Administrators (All UT except Chandigarh)

Subject: Provision of Funds from TSP for undertaking activities under Forest Rights Act -2006

Sir/Madam,

Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (FRA in short) is a historical legislation to bestow the right to hold and live in the forest land under the individual or common occupation for habitation or self-cultivation, right of ownership, access to collect, use and dispose of minor forest produce and other community rights of uses or entitlements, tenure of habitat and habitation for primitive tribal groups and pre-agricultural communities, traditional seasonal resource access of nomadic or pastoral communities as well as right to protect, regenerate, conserve or manage any community forest resource etc. It is expected that the local administration and committees constituted under the Act will take proactive steps to do required handholding of the poor scheduled tribes and other traditional forest dwellers as well as Gram Sabhas to achieve the desired objectives of the Act.

Following activities are important:

- A. Awareness generation,
 - B. Regular meetings of Forest Rights Committee, Gram Sabha, Sub Divisional Level Committees (SDLC) and District Level Committees (DLC),
2. After issuing of Individual Forest Rights (IFR) and titles under the act, the incorporation of forest rights in the relevant Government Records including Record of Rights is required to be ensured by DLC after proper physical survey by settlement / survey / revenue authorities, so that

physical boundaries are marked on the ground and this also correctly reflected in Record of Rights. Copy of Record of Rights clearly showing beneficiary name and the map of Land Title given should be handed over to the Individual right holder along with physical possession so as to mainstream them and treat them at par with other land holders. This was already communicated to all the Principal Secretaries / Secretaries in charge of State Tribal Welfare Departments vide this Ministry's communication No. 23011 / 06 / 2014 – FRA dated 3.3.2014 (copy enclosed for ready reference as **Annex 1**). Further, it was also communicated vide this Ministry's communication No. 23011 / 16 / 2015 – FRA dated 23.4.2015 (copy enclosed for ready reference as **Annex 2**) that Community Forest Resources (CFR) areas as recognized under Section 3(1)(i) of FRA shall constitute a new category of forest area which should be recorded as CFRs in the Records of Rights and be suitably incorporated in the records of the Forest Department as well.

3. Post IFR activities to be carried out in a convergence mode are to develop land and to generate sustainable livelihood with fund from MGNREGA or other schemes of various line departments for individual right holders.

4. Even in case of Community Rights (CR) / Community Forest Resource Rights (CFR), as already communicated earlier vide this Ministry's letter No. 23011/16/2015 – FRA dated 23.04.2015, as referred to above, the state Governments are required to make available through its departments, funds available under Tribal Sub Plan, MGNREGA, funds for forestry available with the Gram Panchayat, funds under CAMPA to the committee at the Gram Sabha constituted under FR Rules 4(1)(e) for development of CFR and the State Governments may also send proposal to Ministry of Tribal Affairs for development of CFR as per FR rule 16.

5. In addition, this Ministry supplements from SCA to TSP as provided in sub para 5.2.2 of para 5 of Guidelines issued on 17.6.2016 (No. 11015 / 06 / 2016 – SG – II) for Inter State allocation of funds and Implementation of Programmes / Activities under Special Central Assistance (SCA) to Tribal Sub Plan (TSP) during 2016 – 17 and onwards. Sub Para 5.2.2 of the said Guidelines [as part of the said Guidelines for Inter State (Sectoral activities , community, area – wise) Prioritization and Allocation under para 5] clearly states that ST household,

especially with entitled land right under FRA Act, 2006 should be covered by programmes, activities specially designed for them.

6. Further, this Ministry also supplements from programmes under Proviso to Article 275 (1) of the Constitution of India as provided in sub para 8.1 (7) (b) of para 8 of Guidelines issued on 20.6.2016 (No. 11015 / 01 / 2016 – SG – I) for Inter State allocation of funds and Implementation of Programmes / Activities under Proviso to Article 275 (1) of the Constitution of India during 2016 – 17 and onwards. Sub para 8.1 (7) (b) of the said Guidelines (as part of the said Guidelines for Plan Documentation under para 8) clearly states that comprehensive perspective TSP document prepared by the State Government shall, inter alia, reflect on evaluation as to how TSP has and is likely to help STs in respect of access and control over forest and effective implementation of FRA Act, 2006, wherever applicable.

7. You are requested to utilize the State TSP fund, as well as other funds as enumerated above viz SCA to TSP, Proviso to Article 275 (1) of the Constitution of India MGNREGA, funds for forestry available with the Gram Panchayat, funds under CAMPA for the implementation of FRA so that maximum benefit can reach the Tribal communities dependent on forests for their livelihood.

Yours faithfully,



(Rajesh Aggarwal)

Joint Secretary to the Govt. of India

Tel No: 011-23073489

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

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

To

1. All Principal Secretaries/Secretaries in charge of State Tribal Welfare Departments
(All States except Jammu and Kashmir, Haryana and Nagaland).
2. Administrators of Union Territories,
(except Lakshadweep and Puducherry)

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

Sir,

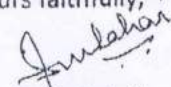
The undersigned is directed to state that, in respect of the Records of Rights being issued under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, this Ministry has certain observations/comments as under, for necessary compliance on the part of States/UTs:-

- (i) The Records of Rights issued under the Forest Rights Act 2006 (FRA) should also mention the name of the Caste/Tribe so that, in future, the people do not have any difficulty in obtaining Caste Certificates.
- (ii) The village maps and the village records should also indicate the community land classified into various categories as per the local revenue code/law.
- (iii) As per the Forest Rights Rules 2007, on completion of the process of settlement of Rights and issue of titles as specified in Annexures II, III and IV of these Rules, the Revenue and Forest Departments are to prepare a final map of the forest land so vested and the concerned authorities are required to incorporate the forest rights so vested in the revenue and forest records, as the case may be, within the specified period of record updation under the relevant State laws or within a period of three months, whichever is earlier. Eventually, the right holders under FRA have to be issued Record of Rights under the Revenue Code/Law so as to mainstream them and treat them at par with other land holders.

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

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

Yours faithfully,



(S.M. Sahai)

Director

Tel: 23073176

No. 23011/16/2015-FRA
Government of India
Ministry of Tribal Affairs
(FRA Division)

R.No. F-280, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi
Dated: 23rd April, 2015

To

The Chief Secretaries of all State Governments

Sub: Guidelines under Section 12 with regard to recognition and vesting of Community Forest Resource (CFR) and its management under Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (FRA)

The undersigned is directed to state that the Ministry of Tribal Affairs has in numerous occasions conveyed the importance of recognition and vesting of CFR rights under FRA. While some States have made efforts to recognise the community and CFR rights, the State Governments need to make further efforts to recognise the CFR rights which is still slow in a number of States for all potential forest land where such traditional rights exist and claims have been pending.

2. In view of the above, Ministry of Tribal Affairs issues the present guidelines pertaining to recognition of CFR rights and their subsequent management.

i. As per Section 3(1) (i) and Section 5 of FRA, the authority to protect, regenerate or conserve or manage CFRs, is the Gram Sabha along with the committee for protection of wildlife, forest and biodiversity constituted under FR Rule 4(1)(e). The meaning of Gram Sabha shall be as defined in Section 2(g) and section 2(p) of the FRA.

ii. Each Gram Sabha shall be free to develop its own simple format for conservation and management plan of the CFR which its members can understand with ease and may also comprise of the rules and regulations governing forest access, use and conservation.

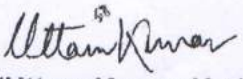
iii. The Gram Sabha and the Committee under FR rule 4(1)(e) shall be the authority to modify the micro plan or working plan or management plan of the Forest

Department to the extent necessary in order to integrate the same with the conservation and management plan for the CFR as passed by the Gram Sabha.

- iv. The State Government shall make available through its departments, funds available under Tribal Sub Plan , MGNREGA, funds for forestry available with the Gram Panchayat, Funds under CAMPA to the committee at the Gram Sabha constituted under FR Rule 4 (1)(e) for development of CFR . The State Governments may also send proposals to Ministry of Tribal Affairs for development of CFR as per FR rule 16.
- v. Community Forest Resource (CFR) areas as recognised under Section 3(1)(i) of FRA shall constitute a new category of forest area which should be recorded as "CFRs" in the Records of Rights and be suitably incorporated in the records of the Forest Department .
- vi. Further as per Rule 12(B)(4) in case where no community forest resource rights are recognised in a village, the reasons for the same shall be recorded in writing by the Secretary of the District level committee.
- vii. The State Governments while furnishing their Monthly and Quarterly progress report should also invariably provide the disaggregated information on the CFR claims, CFR rights recognised and the extent of forest land recognised for the same under FRA.

This issues with the approval of competent authority.

Yours faithfully,


(Uttam Kumar Kar)

Under Secretary to the Government of India

Tel No: 01126182814