

( TO BE PUBLISHED IN PART II SECTION 3 SUB-SECTION  
(i) OF THE GAZETTE OF INDIA ) EXTRAORDINARY

**MINISTRY OF TRIBAL AFFAIRS**  
**NOTIFICATION**

**New Delhi, 19<sup>th</sup> June, 2007**

G.S.R..... (E) .... The following draft rules which the Central Government proposes to make 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) is hereby published, as required under sub-section (1) of the said section for information of all persons likely to be affected thereby and notice is hereby given that the said rules shall be taken into consideration after the expiry of a period of forty-five days from the date on which the copies of the Gazette containing this notification is made available to the public.

Any objection or suggestion which may be received from any person in respect of the said draft rules within the period so specified shall be considered by the Central Government.

Objections or suggestions, if any, may be addressed to the Joint Secretary to the Government of India, Ministry of Tribal Affairs, 7<sup>th</sup> Floor, A-Wing, Shastri Bhawan, New Delhi – 110001.

**DRAFT**

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

**Chapter I**

**Preliminary**

**1. Short title 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 come into force on the date of their final publication in the Official Gazette.

**2. Definitions.-** In these rules, unless the context otherwise requires:-

- (1) "Act" means the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (2 of 2007);
- (2) "bonafide livelihood needs" means fulfillment of sustenance needs of self and family through consumption and /or sale of produce from forest land or forest based uses, and stones and fuel wood for house or household purposes;
- (3) "Claimant" means an individual, group of individuals, family or community applying for recognition and vesting of any of the rights listed in the Act;
- (4) "Forest Rights Committee" means a committee elected by the Gram Sabha under rule 26(2);
- (5) "other traditional right" means any other traditional right customarily enjoyed by the forest dwelling Scheduled Tribes or other traditional forest dwellers whether recorded or not and shall include right to traditional agricultural practices;
- (6) "primarily reside in and depend on the forests or forest lands" in section 2(c) and section 2(o) of the Act - means those claimants who are dependent on such forest or forest land for bonafide livelihood needs but who need not exclusively and necessarily reside on such forest or forest land;
- (7) "Section" means the section of the Act;
- (8) "Sustainable use" shall have the same meaning assigned to it in clause(o) of section 2 of the Biological Diversity Act, 2002, (18 of 2003) that is, the use of components of biological diversity in such manner and at such rate that does not lead to the long-term decline of the biological diversity thereby maintaining its potential to meet the needs and aspirations of present and future generations.

## Chapter II

### **Gram Sabha and various Committees**

- 3. Gram Sabha and its functions.-** (1) The Gram Sabha shall be the authority,-
- (a) to determine the nature and extent of forest rights;
  - (b) to communicate with regard to such with the Sub-Divisional Level Committee;
  - (c) to receive, hear and settle disputes on such claims under the Act;
  - (d) to prepare a list of claimants of forests rights and maintain a register of claims; and
  - (e) to pass a resolution on claims on forest rights and forward the same to Sub Divisional Level Committee in terms of the provisions contained in the Act and rules made thereunder.
- (2) The quorum of the Gram Sabha meeting shall be not less than two thirds of the adult members of such Gram Sabha where at least thirty three percent shall be

women. Where there is a heterogeneous population of Scheduled Tribes and non Scheduled Tribes in any village, at least two thirds of the Scheduled Tribe members shall be present to constitute the quorum, and members of the primitive tribal groups and pre-agricultural communities shall be adequately represented.

***Explanation:-***

For the purposes of this rule, the following shall constitute the Gram Sabha of the village:-

- (a) in Scheduled Areas under the Provisions of Panchayats (Extension to Scheduled Areas) Act, 1996 or any other corresponding law in force in the State, the persons whose names are included in the electoral rolls for the Panchayat at the village, which comprises a hamlet or a group of hamlets managing their affairs in accordance with their traditions and customs, and resolve to constitute a Gram Sabha for the purposes of the Act and intimate the same to the concerned Gram Panchayat and the Sub-Divisional Level Committee;
- (b) in States where there are Panchayats and which are not Scheduled Areas, the Gram Sabha of the Panchayat if authorized to organize Gram Sabha meetings at smaller village units in a large village for the purposes of the Act and intimate the same to the concerned Gram Panchayat and the Sub-Divisional Level Committee;
- (c) in case of section 2(p)(iii) of the Act, the adult members of such village may resolve to constitute a Gram Sabha and intimate the same to the adjoining Gram Panchayat(s) and Sub Divisional Level Committee;
- (d) in states where there are no Panchayats, the adult members of traditional village institutions by what ever name called may resolve to constitute Gram Sabha and intimate the same to the Sub Divisional Level Committee.

4. The State Government shall, within a period of three months from the date of notification of these rules, constitute the Sub-Divisional Level Committee, District Level Committee and State Level Monitoring Committee for the purpose of the Act and the rules made thereunder.

**5. Sub-Divisional Level Committee.-** The Sub-Divisional Level Committee shall be constituted with the following members, namely:-

- (a) Sub-Divisional Officer as Chairperson;
- (b) Forest Officer in charge of a Sub-division;
- (c) three members of the Block/ Tehsil Panchayats nominated by the District Panchayat of whom two shall be the Scheduled Tribe member preferably

those who are forest dwelling or who belong to the primitive tribal groups and where there are no Scheduled Tribes member, two members who are preferably other traditional forest dwellers and at least one shall be a woman member; or in areas covered under the Sixth Schedule of the Constitution, three members nominated by the Autonomous District Council/ Regional Council or other appropriate zonal level, at least one being a woman member;

(d) an officer of the Tribal Welfare Department in-charge of the Sub-division or where such officer is not available a corresponding officer in charge of tribal affairs as Member-Secretary.

**6. Functions of the Sub-Divisional Level Committee.-** The Sub-Divisional Level Committee shall -

- (a) provide forest and revenue maps and electoral rolls to the Gram Sabha or the Forest Rights Committee;
- (b) collate all the resolutions of the concerned Gram Sabhas;
- (c) consolidate maps and details provided by the Gram Sabhas;
- (d) examine the resolutions and the maps of the Gram Sabhas to ascertain the veracity of the claims;
- (e) hear and adjudicate disputes between Gram Sabhas on the nature and extent of any forest rights;
- (f) hear petitions from persons aggrieved by the resolutions of the Gram Sabhas;
- (g) co-ordinate with other Sub-Divisional Level Committee for inter sub-divisional claims;
- (h) prepare block/ tehsil-wise draft record of forest rights after reconciliation of government records;
- (i) forward the claims with the draft record of forest rights through the Sub-Divisional Officer to the District Level Committee for final decision;
- (j) raise awareness through workshops and other means about the objectives, provisions and procedures of the Acts and in rule 25(4);
- (k) ensure easy and free availability of proforma of claims to the claimants as provided in Annex-I to these rules.

**7. District Level Committee.-** The District Level Committee shall be constituted with the following members, namely:-

- (a) District Collector or Deputy Commissioner as Chairperson;
- (b) concerned Divisional Forest Officer or Deputy Conservator of Forest;
- (c) three members of the district panchayat nominated by the district panchayat, of whom two shall be Scheduled Tribe members preferable those who are forest dwellers or who belong to members of the primitive tribal groups and where there are no Scheduled Tribe members, two

members who are preferably other traditional forest dwellers and at least one shall be a woman member ; or in areas covered under the Sixth Schedule of the Constitution, three members of the Autonomous District Council /Regional Council at least one being a woman member.

- (d) an officer of the Tribal Welfare Department in-charge of the district or where such officer is not available, a corresponding officer in charge of tribal affairs as Member Secretary.

**8. Functions of District Level Committee.-** (1) The District Level Committee shall –

- (a) examine whether all claims have been addressed keeping in mind the objectives of the Act;
- (b) consider and finally approve the claims and record of forest rights prepared by the Sub-Divisional Level Committee;
- (c) hear petitions from persons aggrieved by the orders of the Sub-Divisional Level Committee;
- (d) co-ordinate with other districts regarding inter-district claims;
- (e) issue directions for incorporation of the forest rights in the relevant government records including record of rights.

(2) The District Level Committee shall also -

- (a) facilitate the Gram Sabha in accessing government documents, and other relevant information in determining forest rights and provide technical assistance if required;
- (b) ensure dissemination processes and awareness programmes on the Act and rules made thereunder.
- (c) ensure that the Gram Sabhas are conducted in a free, open and representative manner with full and unrestricted participation of women.

(3) The District Collector or Deputy Commissioner shall be responsible for -

- (a) publishing the record of forest rights as finalized by the District Level Committee;
- (b) ensure that a certified copy of the record of forest rights and title under the Act, as specified in Annex-II to these rules, is provided to the concerned claimant and the Gram Sabha and publicly posted at convenient places in the village;

**9. State Level Monitoring Committee. -** The State Level Monitoring Committee shall be constituted with the following members, namely:-

- (a) Chief Secretary as Chairperson;
- (b) Secretary, Revenue Department;
- (c) Secretary, Tribal Welfare Department;
- (d) Secretary, Forest Department;

- (e) Principal Chief Conservator of Forests;
- (f) Commissioner, Tribal Welfare or equivalent as Member-Secretary;
- (g) three Scheduled Tribes member of the Tribes Advisory Council, nominated by the Chairperson of the Tribes Advisory Council and three independent experts on forest & wildlife, tribal and gender issues to be nominated by the State Government and where there is no Tribes Advisory Council, three independent experts of forest & wildlife, tribal and gender issues to be nominated by the State Government.

**10. Functions of the State Level Monitoring Committee.-** The State Level Monitoring Committee shall -

- (a) monitor the process of recognition, verification and vesting of forest rights in the State;
- (b) devise criteria and indicators for monitoring the effectiveness of the process of recognition and vesting of forest rights;
- (c) co-ordinate with other State Government and State Level Monitoring Committees in case of inter-state claims;
- (d) furnish a six monthly report on the process of recognition, verification and vesting forest rights and submit to the nodal agency such returns and reports as may be called for by the nodal agency;
- (e) on receipt of any such notice as mentioned in section 8 of the Act, the State Level Monitoring Committee may take appropriate actions against such authorities under the Act where such offence is established and take corrective measures;
- (f) monitor the resettlement as provided under the Act.

### Chapter III

#### **Forest Rights of Forest Dwelling Scheduled Tribes and Other Traditional Forest Dwellers**

**11. Rights to occupation.-** (1) In case of rights claimed under clause (a) of sub-section (1) of Section 3 of the Act, the family may consist of a nuclear family and their minor children and may include any person wholly or substantially dependent on the family.

(2) In case of land under occupation by the community under sub-section (6) of Section 4 of the Act or under common occupation as under clause (a) of sub-section (1) of section 3 of the Act, the area under actual use may be recognized and vested with the community up to a maximum of four hectares.

**12. Community rights such as *Nistar*.-** The community rights such as *nistar*, as recognized in different States by whatever name shall be considered for bonafide livelihood needs.

**13. Rights to minor forest produce.-** (1) The rights under clause (c) of sub-section (1) of section 3 of the Act shall include all minor forest produce regardless of whether they are nationalized or previously restricted or prohibited and all items provided in State Acts and rules, orders and directions issued thereunder.

(2) The Gram Sabha shall ascertain the nature of minor forest produce which has been traditionally collected within or outside the village boundaries in accordance with the Act and intimate the Sub-Divisional Level Committee.

(3) The access, collection, use and disposal of all such minor forest produce by holders of forest rights shall be free of royalty.

(4) The exercise of these rights shall extend to areas where such minor forest produce has been traditionally collected and includes non contiguous and non exclusive, forest lands and community forest resources.

(5) The exercise of rights to minor forest produce includes local level processing, value addition and marketing by the gatherer or their co-operative or their collective associations.

(6) The exercise of rights includes transport of minor forest produce through head loads or cycles and hand-carts to the nearest village or collection point.

(7) The Gram Sabha shall ensure that the exercise of right under clause (c) of sub-section (1) of section 3 of the Act also includes the responsibility of sustainable use and prevention of any destructive practices in collection of such minor forest produce.

**14. Right to other community rights and entitlements.-** (1) The community which has been traditionally using water bodies shall have the right over the fish and other products of such water bodies while ensuring its sustainable use.

(2) No license shall be granted by any Government agency on such water bodies without negotiated agreement and prior informed consent of such community.

(3) The exercise of rights in respect of nomadic and pastoral communities over their community forest resources includes forest lands under traditional, customary and season usage, which may not necessarily constitute a single contiguous area and may be shared with other Scheduled Tribes or other traditional forest dwellers.

(4) The claim from pastoralists and nomadic tribes and other seasonal users for determination of their rights under clause (d) of sub-section (1) of section 3 of the Act may either be through individual members, the community or traditional community institution and shall be verified at a time when such individuals, communities or their representatives or representative of their traditional institutions are present.

**15. Right to community tenure of habitat and habitation.-** (1) The habitat for primitive tribal groups and pre-agricultural communities shall have the same inclusive meaning as community forest resource and in particular, non-contiguity and non-exclusiveness.

(2) The claim from member of a primitive tribe or pre-agricultural community for determination of their rights to habitat under clause (e) of sub-section (1) of section 3 of the Act may either be through their community or traditional community institution and shall be verified at a time when such communities or their representatives or representative of their traditional institutions are present.

(3) The primitive tribal groups and pre-agricultural communities may delineate and determine their customary habitat in consultation with traditional institutions wherever possible, the Gram Sabha and the Sub-Divisional Level Committee.

(4) In case the primitive tribal groups and pre-agricultural communities do not claim their right under clause (e) of sub-section (1) of section 3 of the Act, the Sub-Divisional Level Committee may *suo motu* and subject to prior notice to the concerned Gram Sabha, initiates the process to determine the forest rights of such vulnerable communities.

**16. Rights over disputed lands.-** (1) If any rights over disputed lands are being claimed under clause (f) of sub-section (1) of section 3 of the Act, then it shall include right in lands in 'deemed' Reserved Forests, or forest lands where the process of forest settlement has been incomplete in any manner including incorrect records or non-adherence to due process of laws, or forest lands where final notification under section 20 of the Indian Forest Act, 1927 or corresponding section of any other relevant Act is yet to be issued or lands over which, there are conflicting claims between different Government departments and thereby affecting people's rights.

(2) The presumption of rights over such disputed lands shall be in favour of the claimant unless otherwise decided after giving a reasonable opportunity of being heard in the matter.

**17. Rights for conversion of *pattas*, Leases and Grants.-** (1) The rights for conversion of *pattas*, leases and grants on any description of forest lands being claimed under clause (g) of sub-section (1) of section 3 of the Act to titles, shall include among others, lands which have become contentious between different Government departments, or forests lands whose transfer has not been completed; or *pattas* in Orange Areas of Madhya Pradesh, Chhattisgarh, Ek Sali leases, Dalhi lands in Maharashtra or leases for agro-forestry, agro-silvi or fireline



plots or lands whose leases have not been renewed or who may have been evicted without due process of law; *pattas* in forest villages and *pattas* issued but cancelled or extinguished without following the due process of law.

**18. Right to conversion of forest villages and unrecorded settlements into revenue villages.-** When rights are being claimed for conversion of a forest village into a revenue village under clause (h) of sub-section (1) of section 3 of the Act:

- (a) any settlement on forest land which is not a revenue village or part thereof shall be considered eligible, and
- (b) the land granted to dwellers of revenue villages created out of forest villages or such settlements shall be sustainably used for bonafide livelihood needs and shall not be put to ecologically damaging commercial use in any form.

**Note:** The community rights conferred under rules 11 to 18 above shall not be alienable, transferable, leased or rented out.

**19. Right to protect, regenerate, conserve or manage community forest resources.-** (1) Prior to determination of the rights under clause (i) of sub-section (1) of section 3 of the Act, the Gram Sabha shall initiate the process of determination of the nature and extent of rights over community forest resources where evidence mentioned in sub-rule (3) of rule 31 shall be taken into consideration.

(2) Where two or more communities have rights over the same community forest resource, a joint group of the communities shall be convened by the concerned Gram Sabhas and shall exercise their rights under the supervision and control of the concerned Gram Sabhas.

(3) In order to confirm the customary boundaries of the community forest resource, the Forest Rights Committees of the respective Gram Sabha shall initiate the determination of the community forest resource with the agreement of all concerned Gram Sabha on a mutually acceptable date and intimate to the respective Gram Sabha and Sub-Divisional Level Committee in writing.

(4) The customary boundaries shall not be treated as alteration of existing statutory boundaries.

**20. Rights in Autonomous District Councils and Regional Councils.-** The forest rights which are already recognized under any State law or laws of any Autonomous District Councils or Regional Councils or rights which are available under any traditional or customary law of the concerned tribes of any State, shall be exercised in accordance with the respective laws of the Autonomous District Councils, Regional Councils, such traditional or customary law of the concerned tribes or the State Governments.

**21. Right to intellectual property and biodiversity.-** (1) When a right of access to biodiversity and community right to intellectual property and traditional knowledge related to biodiversity and cultural diversity has been recognised under clause (k) of sub-section (1) of the Act, it shall include rights to regulate access, control, develop and protect traditional science and technology associated with biodiversity resources including genetic resources, seeds, medicines, health practices, medicinal plants, agriculture, knowledge of fauna and flora, minerals and other indigenous knowledge systems and practices.

(2) The Gram Sabha may co-ordinate with the Biodiversity Management Committee under the Biological Diversity Act, 2002 to document the biodiversity resources being conserved, sustainably used and managed by it, as well as the individual, group or community knowledge associated with such biodiversity and cultural diversity and voluntarily disclosed by knowledge providers for recording by the Gram Sabha.

(3) The documentation referred to in sub-rule (2) shall be the property of Gram Sabha and it shall decide on which of its parts or contents are to be made freely available to the public and the terms and conditions under which other parts or contents may be disclosed to the parties.

(4) The Gram Sabha may co-ordinate with the State Biodiversity Boards as well as the Protected Plant Varieties and Farmers' Rights Authority in the management of such documented knowledge to promote assertion of pertinent intellectual property rights and ensure equitable sharing of benefits from its use.

(5) The Gram Sabha may co-ordinate with the Biodiversity Management Committee to regulate access to biodiversity resources by outsiders and to levy collection charges and work out benefit sharing arrangements.

**22. Right to *in situ* rehabilitation.-** (1) When a right to *in situ* rehabilitation is claimed under clause (m) of sub-section (1) of section 3 of the Act, the burden of proving legal eviction or displacement or receipt of legal entitlement to rehabilitation shall rest with the State or agency acting under the aegis of the State.

(2) The claims may be filed either before the Gram Sabha having jurisdiction with regard to original residence or the Gram Sabha where the claimant has the current residence.

**23. Right to land for displaced.-** (1) When a right to land is claimed under sub-section (8) of section 4 of the Act, the factum of displacement without land

compensation as established by the claimant, shall be the primary basis for the right.

(2) The burden of establishing the use of such land within five years, for the purposes for which it was acquired, rests with the State or agency acting under the aegis of the State.

(3) The claims may be filed either before the Gram Sabha having jurisdiction with regard to original residence or the Gram Sabha where the claimant has the current residence.

## Chapter-IV

### **Duties of holders of forest rights**

**24. Duties of holders of forest rights, gram sabhas and village level institutions.**-(1) The village-level institution or the Gram Sabha may perform the duties falling under section 5 of the Act on behalf of holders of any forest right and shall be empowered to:

- (a) prepare a plan for the protection and management of community forest resources and such plans, norms, methods, procedures, may harmonize its prescriptions with those of relevant plans, such as, forest working plans, management plans of sanctuaries and national parks, biodiversity management plans, watershed management plans and eco-development plans;
- (b) prepare and adopt norms including institutional arrangements for the protection of, and regulation of access to and sustainable use of the community forest resource; and resources within it including biodiversity, forest, catchments areas, water sources and ecologically sensitive areas,
- (c) prepare norms for community wildlife management;
- (d) evolve procedures to protect, conserve, regenerate or manage the resource while protecting interests in forest rights of vulnerable groups and women, including deciding on allowing or denying access to outsiders and charging fees; and
- (e) evolve methods for monitoring and implementing such norms.

(2) The Gram Sabha may -

- (a) request the assistance of the Forest Department or other local authorities for implementing its norms, and such authorities shall provide the requisite assistance;
- (b) take corrective actions as may be necessary, where there is violation of norms created by it in exercise of this right or direct the concerned authorities to proceed in accordance with law;
- (c) guide the functioning of Joint Forest Management Committee, Eco-

development Committee, Watershed Committee, Biodiversity Management Committee or any other such committees or institutions concerned with the management of forest resources.

(3) In case there is a conflict between a decision of a Gram Sabha and a user group in regard to exercise of rights under clause (i) of sub-section (1) of section 3 of the Act, the decision of the Gram Sabha shall prevail while ensuring that forest rights of vulnerable groups and women are not put to any disadvantage.

## Chapter-V

### **Responsibility of authorities and procedure for vesting of forest rights**

**25. Processes to sensitize authorities and others.-** (1) The nodal agency shall -

- (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 all 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 organisations in every State, who can then be called upon to assist as resource persons in the awareness programmes;
- (d) sensitise the District Level Committees on the objectives, provisions and procedures of the Act and the rules through the State Governments.

(2) The District Level Committee shall 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.

(3) The District Level Committee shall raise awareness through workshops and other means to sensitize members of the Sub-Divisional Level Committee, officials of Panchayati Raj, Rural Development, Agriculture, Education, Forest, Tribal and Social Welfare departments, on the objectives, provisions and procedures of the Act the rules.

(4) The Sub-Divisional Level Committee shall organize for each tehsil or block in the sub-division, one or more awareness camps to sensitize members of the Gram

Sabhas including Forest Rights Committees, civilian representatives including teachers, women's groups, political leaders, social workers activists and lawyers to acquaint them with the objectives, provisions and procedures of the Act and the rules.

**26. Procedure for filing and determination of claims by Gram Sabha.-** (1) The Sub-Divisional Level Committee shall, within three months from the date of the coming into force of these rules, notify the dates of the first meeting of the Gram Sabha.

(2) In its first meeting, the Gram Sabha shall elect from amongst its members a committee of at least seven persons where three members shall be Scheduled Tribes, three members shall be women and one shall be other traditional forest dweller; and where there are no Scheduled Tribes, at least three members shall be other traditional forest dweller and three shall be women and such committee shall be known as the Forest Rights Committee and the same shall be intimated to the concerned Sub-Divisional Level Committee.

(3) The Gram Sabha may elect not more than seven members, in addition to the members mentioned in sub-rule (2), in the Forest Rights Committee if they so desire while keeping the same proportion of Scheduled Tribes, other traditional forest dwellers and women as specified in sub-rule (2).

(4) The Gram Sabha shall be provided with necessary infrastructure and financial support from the Government.

(5) The Forest Rights Committee shall assist the Gram Sabha in its functions to -

- (i) conduct the Gram Sabha meeting;
- (ii) receive, acknowledge and retain the claims in the specified form and evidence in support of such claims;
- (iii) call for necessary assistance from government functionaries such as school teachers, village level workers, foresters and patwaris;
- (iv) verify claims as provided in these rules;
- (v) call for evidence or support from any authorities or agency or persons as required;
- (vi) prepare the record of claims and evidence including maps;
- (vii) prepare a list of claimants on forest rights;
- (viii) present their findings on the nature and extent of the claim before the Gram Sabha for its decision.

**27. Verification of claims.-** (1) The Gram Sabha in its first meeting shall -

- (a) call for claims and authorize the Forest Rights Committee to accept such claims in the specified form as provided in Annex-I of these rules and such claims shall be made within a period of three months:

Provided that the Gram Sabha may extend such time limit after recording the reasons thereof.

(b) fix a date for determination of its community forest resource and intimate the same to the adjoining Gram Sabhas where there are potential overlaps and the Sub-Divisional Level Committee.

(2) Any claim which is not in accordance with the specified proforma shall be returned for rectification and then it will be accepted.

(3) All claims under these rules shall at least be accompanied with more than one evidence mentioned in rule 31.

(4) The Gram Sabha may grant time to the claimant to produce evidence before determination of his claim.

(5) The claimant may seek the assistance of Forest Rights Committee in obtaining the relevant evidence.

(6) Every claim received shall be duly acknowledged in writing by the Forest Rights Committee.

**28. Process of verifying claims by Forest Rights Committee.-** (1) The Forest Rights Committee shall, after due intimation to the concerned claimant -

(a) visit the site and physically verify the nature, extent of the claim and evidence on the site; and

(b) receive any further evidence or record, or any oral evidence adduced by the claimant and witnesses.

(2) The Forest Rights Committee may call for evidence from any authority as may be necessary.

(3) The Forest Rights Committee shall then record its findings on the claim and present the same to the Gram Sabha for its decision.

(4) If there are conflicting claims within the traditional or customary boundaries of another village or if the forest area is used by more than one Gram Sabha, the Forest Rights Committees of the respective Gram Sabha shall meet jointly to agree to the nature of enjoyment of such claims and submit the said agreement to the respective Gram Sabhas in writing:

Provided that if they do not come to an agreement, on the competing claims, it shall be resolved by the Sub-Divisional Level Committee.

(5) On a written request of the Gram Sabha or the Forest Rights Committee requesting for information, records or documents, the various departments of the State Government (at all levels), shall provide the same to the Forest Rights Committee or Gram Sabha and explain the same when required and necessary, through an officer authorised for this purpose.

(6) The Forest Rights Committee shall prepare and authenticate a map with the concerned revenue and forest authorities delineating the area of each recommended claim indicating recognizable landmarks.

**29. Determination of the forest rights.-** (1) The Gram Sabha, subsequent to the first meeting as per sub-rule (2) of rule 26, shall meet, as and when required, to consider the findings and recommendations of the Forest Rights Committee and pass appropriate resolutions as deemed fit, but not less than once every two months with prior notice.

(2) The Gram Sabha may then forward a copy of the resolution to the Sub-Divisional Level Committee for necessary action.

(3) If any Gram Sabha fails to perform its functions under section 6 the Act, the Sub-Divisional Level Committee, on an application of a claimant, shall give a notice to the said Gram Sabha for performing such functions, and if the said Gram Sabha does not initiate the process within two months then any claimant may directly approach the Sub-Divisional Level Committee for determination of their claim.

**30. Special provisions for North-Eastern States.-** In the case of the North Eastern States, the claimant shall be, otherwise, under the Acts, rules and regulations in force eligible to hold land and live in the area in question.

**31. Evidence for determination of forest rights.-** (1) The documentary and oral evidence for recognition and vesting of forest rights under section 3 of the Act includes but is not limited to the following, namely:-

- (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 (conditional or otherwise, expired or otherwise), reports of committees and commissions, Government orders, notifications, circulars, resolutions and letters;
- (b) Government authorised documents such as voter identity card, ration card, passport, loans, insurance and credits and house tax receipts, domicile certificates;

- (c) statements of elders, members of the Gram Sabha and other eligible right holders reduced to writing especially those who cannot read or write, before such Gram Sabha;
- (d) physical attributes such as permanent improvements made to land including leveling, bunds, check dams and the like;
- (e) quasi-judicial and judicial records including court orders, judgments, preliminary offence report by whatever name called, challan and receipts ;
- (f) local inquiry report of spot verification of claims by Forest Rights Committee so elected by the Gram Sabha and approved by the Gram Sabha;
- (g) prior research or documentation of reputed institutions or individuals, including reports, publications of anthropologists and reports of the Anthropological Survey of India;
- (h) any record including maps, record of rights, privileges, concessions, favours, from erstwhile princely State or province or other such intermediaries;
- (i) prior applications, memoranda, petitions made to authorities including courts;
- (j) prior resolutions of the Gram Sabha;
- (k) written accounts of customs and traditions which illustrate the enjoyment of any forest rights and having a force of customary law;
- (l) traditional structures or pictures establishing antiquity or showing long term occupation such as those of old improvements, wells, burial grounds, sacred places;
- (m) historical accounts, survey plans and sketch maps, pictures and descriptive histories of traditional communal forests and hunting grounds, traditional landmarks;
- (n) oral or written 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.

(2) The Gram Sabha, the Sub-Divisional Level Committee and the District Level Committee shall consider, preferably more than one of the above-mentioned evidence in determining the forest rights:

Provided that if there is a dispute between the claimant and any State agency the presumption shall be made in favour of the claimant unless proved otherwise.

(3) An evidence for Community Forest Resources may include –

- (a) community rights such as *nistar* by whatever name called;
- (b) traditional grazing grounds; areas for collection of fuel wood, leaf manure, 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 soil and water conservation structures, sacred trees, sacred groves, sacred ponds or riverine areas, burial or cremation grounds;
- (d) Government records of earlier classification of current Reserve Forest as Protected Forest or as gochar or other village common lands, Memorandum of Understanding with the Forest Department relating to Joint Forest Management; auction of minor forest produce collection rights, earlier or current issue of grazing permits;
- (e) areas assigned to Large Areas Multipurpose Societies or Forest Labour Cooperatives by whatever name called; areas assigned to Tree Growers' Cooperatives;
- (f) earlier or current practice of traditional agriculture.

(4) An evidence for determining other traditional forest dwellers also includes but is not limited to -

- (a) physical attributes/ traditional structures or pictures establishing antiquity or showing long-term occupation including wells, burial grounds, sacred places, tombstone;
- (b) written 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;
- (c) the Gram Sabha, the Sub-Divisional Level Committee and the District Level Committee shall consider more than one evidence mentioned in this rule in deciding three generations not being less than seventy five years for determining the forest rights.

**32. Petitions to Sub-Divisional Level Committee.-** (1) Any claimant aggrieved by the resolution of the Gram Sabha may within sixty days from the date of the resolution make a petition in writing or may make an oral submission before the Member-Secretary, Sub-Divisional Level Committee who will reduce the same to a formal petition.

(2) The Sub-Divisional Level Committee shall fix the hearing of the petition on a day no later than one month and intimate the appellant and the concerned Gram Sabha through the Forest Rights Committee as well as put notice at a convenient public place in such a village at least fifteen days prior to the hearing.

(3) The Sub-Divisional Level Committee may either -

- (a) allow the petition, or
- (b) reject the petition or
- (c) refer the petition to concerned Gram Sabha for reconsideration within sixty days.

(4) After receipt of such reference, the Gram Sabha shall meet within thirty days, hear the appellant, and pass a resolution on that reference and intimate the Sub-Divisional Level Committee.

(5) The Sub-Divisional Level Committee shall consider the resolution of the Gram Sabha and pass appropriate orders within thirty days of the receipt of the resolution of the Gram Sabha on that reference.

(6) Without prejudice to pending appeals, Sub-Divisional Level Committee shall examine and collate the records of forest rights of the other claimants and submit the same to the District Level Committee for final decision.

(7) In case of a dispute between two or more Gram Sabhas, 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 mutual 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.

**33. Petitions to District Level Committee.-** (1) Any claimant aggrieved by the resolution of the Sub-Divisional Level Committee may within sixty days from the date of the resolution file a petition in writing or may make an oral submission before the Member-Secretary, District Level Committee who shall reduce the same to a formal petition.

(2) The District Level Committee shall fix the hearing of the petition on a day no later than one month and intimate the appellant and the concerned Sub-Divisional Level Committee through the Member-Secretary as well as put notice at a convenient public place in such a village of the appellant at least fifteen days prior to the hearing.

(3) The District Level Committee may either -

(a) allow the petition, or

(b) reject the petition or

(c) refer the petition to the concerned Sub-Divisional Level Committee for reconsideration within sixty days.

(4) After receipt of such reference, the Sub-Divisional Level Committee shall meet within thirty days, hear the appellant, and make a recommendation on that reference and intimate the District Level Committee.

(5) The District Level Committee shall consider the recommendation of the Sub-Divisional Level Committee and pass appropriate orders within thirty days of the receipt of such recommendations.

(6) Without prejudice to pending appeals, District Level Committee shall consider and approve the records of forest rights of the other claimants and issue directions for correction of records in 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 mutual agreed solution can be reached within a period of thirty days, the District Level Committee shall adjudicate the dispute after hearing the concerned Sub-Divisional Level Committees and pass appropriate orders which shall be binding.

(8) In case of disputes between Gram Sabhas, if any Gram Sabha is aggrieved by an order of the Sub-Divisional Level Committee then, on an application by the said Gram Sabha, the District Level Committee shall call for a joint meeting of the concerned Gram Sabhas with a view to reconcile the differences and if no mutual agreed solution can be reached within a period of thirty days, the District Level Committee shall adjudicate the dispute after hearing the concerned Gram Sabhas and pass appropriate orders which shall be binding.

**34. Declaration and notification of critical wildlife habitat.-** (1) The Central Government in the Ministry of Environment and Forests, may, within six months from the date of coming into force of the rules, and in consultation with the Ministry of Tribal Affairs, issue detailed guidelines regarding the nature of data to be collected, the process for collection, validation of the data, its interpretation, role of Expert Committee, the process of consultations among others in determining the critical wildlife habitat.

(2) These guidelines shall take into account the existing guidelines relating to documentation of biodiversity and wildlife and delineation of areas significant from the perspective of biodiversity such as heritage sites, ecologically sensitive areas, sanctuaries and national parks.

[ F. No.17014/ 02/ 2007-PC&V (Vol.IV) ]

**Dr. Bachittar Singh, Joint Secretary**

**ANNEX - I**  
**[See rule 6(k)]**

**FORM – A**  
**CLAIM FORM FOR RIGHTS TO FOREST LAND**  
**[See rule 27(1)]**

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 Certificate)  
(b) Other Traditional Forest Dweller: Yes/ No  
If 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 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 31)
9. Any other information:

Signature/ Thumb Impression  
of the Claimant(s):

FORM – B

CLAIM FORM FOR COMMUNITY RIGHTS

[See rule 27(1)]

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 31)
8. Any other information:

Signature/ Thumb Impression  
of the Claimant (s):

**ANNEX – II**  
**[See rule 8(3)(b)]**  
**TITLE FOR FOREST LAND UNDER OCCUPATION**  
**[See rule 18]**

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. Scheduled Tribe/ Other Traditional Forest Dweller
10. Area:
11. Description of boundaries by prominent
12. landmarks including khasra/compartament No:
13. This title is heritable, but not alienable or transferable.

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**

**TITLE TO COMMUNITY FOREST RIGHTS**

**[See rule 12]**

1. Name(s) of the holder (s) of community forest right:  
[As per Annex]
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
10. customary boundary and/or by prominent
11. landmarks including khasra/compartment No:

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**

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 abovementioned holders of community forest rights.

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

**District Tribal Welfare Officer**

**District Collector/ Deputy Commissioner**