

F.No.23011/16/2015- FRA
Government of India
Ministry of Tribal Affairs

August Kranti Bhawan
R.K. Puram, New Delhi

Dated: 22nd September, 2015

To,
The Chief Secretaries of all State Governments
(As per list attached)

Subject: Recognition and vesting of Community Rights and Community Forest Resource (CFR) under Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (FRA).

Sir,

The undersigned is directed to refer to this Ministry's letter No: 23011/16/2015-FRA dated 23.04.2015 wherein guidelines were issued by this Ministry under Section 12 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (FRA) with regard to recognition and vesting of Community Forest Resource (CFR) and its management.

2. As you are aware, the Ministry is closely monitoring the implementation of FRA which is now being pursued in campaign mode. It has been found that though there has been some progress reported on recognition of Individual Rights, the recognition of community rights in general and Community Forest Rights (CFR) under Section 3 (1) (i) in particular has been very low. As per the progress reports received from the States on 31st May 2015, the total community rights claimed are 1.11 lakh, of which only 37,000 rights have been recognised. Most of the States, however, do not provide disaggregated data on community rights and CFR rights. Only States of Odisha and West Bengal have provided details of CFR rights recognised which is 2090 and 58 respectively.

3. There is no doubt that CFR plays a significant role in the lives and livelihood of forest dwellers and specially that of tribal communities. As per the India State of Forest Report, 2009, around 200 million people are dependent on forest land for livelihood. Further, it may be seen that Section 3(1)(i) along with Section 5 of FRA empowers the Gram Sabha to protect, regenerate or conserve or manage their community forest resources.

4. In light of the facts above it is suggested that assessment of potential areas under CFR may be taken up at the earliest. This Ministry has also in its guideline dated 27.07.2015 (vide D.O. letter No.23011/18/2015-FRA) with regard to geo-referencing, mentioned that secondary data may be used to assess the potential CFR areas.

5. It is suggested that the methodology for assessment of potential villages under CFR may be adopted from the State of Forest Report 1999, Forest Survey of India for assessment of number of villages in close proximity of forests. FSI has also analysed the land use data in the village directory of Census 1991. Similar methodology, if found suitable, may be adopted for assessment of tentative potential villages for CFR to be covered under the Forest Rights Act, 2006 by using the land use data from the village directory of Census 2001 and Census 2011. This is again a conservative estimate as this includes only those villages having forest land within their revenue boundaries. The potential CFR areas however, could be more.

6.1. The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2007 (as amended in 2012) provide for a clear procedure for determination of "Community Forest Resources" along with a new claim form (Form - C) and title form for CFRs.

6.2. Rule 12 B (3) of the amended FR Rules also requires that the District Level Committee (DLC) shall ensure that CFR rights relating to protection, regeneration or conservation or management are recognised in all villages with forest dwellers and that CFR titles are issued to them. Rule 12 B (4) further states that in case where no CFR rights are recognised in a village, the reasons for the same shall be recorded by the Secretary of the DLC.

7. Therefore all State Governments, are requested to make an assessment within next one month on the potential CFR area in their jurisdiction, and to direct the DLCs at the various Districts that necessary steps be taken to ensure that CFR rights are recognised in all villages with forest dwellers. The reasons of rejection or non-recognition of CFR rights also may be reflected in the Monthly and Quarterly progress reports submitted to this Ministry from time to time.

8. This issues with the approval of competent authority.

Yours faithfully



(Roopak Chaudhuri)
Deputy Secretary to the Government of India
No.011-26182428