

No. 23011/09/2016-FRA
Government of India
Ministry of Tribal Affairs
(FRA Division)

Shastri Bhawan, New Delhi

Dated: 12.09.2023

To

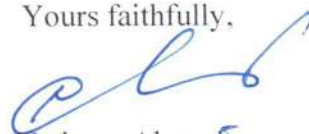
1. The Chief Secretaries of all State Governments
2. The Administrators of all Union Territories
3. Principal Secretaries/ Secretaries in-charge of Tribal Development Department (All States / UTs)
4. Principal Secretaries/ Secretaries in-charge of Forest Department (All States / UTs)

Sub: Guidelines for Conservation, Management and Sustainable use of Community Forest Resources (CFR).

The undersigned is directed to enclose herewith a copy of the guidelines **for Conservation, Management and Sustainable use of Community Forest Resources.**

2. This is in supersession of previous guidelines of CFR management.
3. This has the approval of Competent Authority.

Yours faithfully,


(Nadeem Ahmad)

Under Secretary to the Government of India

Encl: As above.

Copy forwarded for information and necessary action to:

1. Secretary, Ministry of Environment, Forest and Climate Change
2. Secretary, Ministry of Panchayati Raj
3. Secretary, Department of Land Resources, Ministry of Rural Development.

Copy forwarded for information to:

- i. PS to Hon'ble Minister of Tribal Affairs
- ii. PS to Hon'ble MoSTA (RS)
- iii. PS to Hon'ble MoSTA (BT)
- iv. PPS to Secretary (TA) / PS to Joint Secretary (NJK)

**Guidelines for management of Community Forest Resource (CFR)
under Scheduled Tribes and Other Traditional Forest Dwellers
(Recognition of Forest Rights) Act 2006**

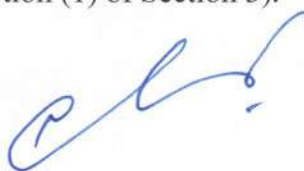
1. INTRODUCTION:

1.1 The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 seeks to recognize and vest the forest rights and occupation in forest land in forest dwelling Scheduled Tribes and other traditional forest dwellers who have been residing in such forests for generations but their forest rights were not adequately recognized during the past. The Act was notified for operation with effect from 31.12.2007 and the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2008 were notified on 1.1.2008 for implementing the provisions of the Act and to undo historical injustice with recognition and vesting of bonafide forest rights in Forest dwelling scheduled tribes(FDST) and Other Traditional Forest Dwellers(OTFD) with respect to use of forest land and resources thereby ensuring livelihood and food security, along with maintenance of ecological balance and strengthening community participation in conservation of the forests.

1.2 Since implementation of the Act, a large number of claims have been made for recognition and vesting of rights conferred under Section (1) of the Act. The State Governments have been receiving claims for recognition and vesting of Forest Rights from individuals as well community. A large number of claims have already been successfully disposed of by the State Authorities and Committees under the Act. As a result, a large number of individuals and communities are enjoying their rights and availing benefits.

1.3 Notably, Section 3(1) (i) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (hereinafter referred to as Forest Rights Act or FRA) recognizes and vests rights to the community to protect, regenerate or conserve or manage any community forest resource which they have been traditionally protecting and conserving for sustainable use.

1.4 Rule 8(i) stipulates that District Level Committee (DLC) has to ensure that a certified copy of the record of the right to community forest resource and title under the Act, (as specified in Annexure IV to Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2008 and amended in 2012), 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).



1.5 However, since multiple functionaries / authorities / departments are involved in regard to vesting of rights under Section 3(1) (i) and implementation of Section 5 of the Act, there is need for some clarity for due discharge of their duties so that the intent of the Act is translated in letter and spirit on the ground.

1.6 Ministry of Tribal Affairs (MoTA) has always been responsive to the concerns raised by forest dwellers. MoTA has organized training programmes and consultations for state officials, and has issued directives for effective implementation from time to time. MoTA has also provided funds to the State Governments under Article 275(1) of the Constitution for FRA implementation, and has advocated for use of funds available under existing sources including Tribal Sub-Plan (TSP) funds for Community Forest Resource (CFR) development.

1.7 In order to improve coordination at the field level with regard to CFR, and with a view to ensure effective implementation of the Act, the following guidelines are issued for compliance by all the State Governments/UT Administrations.

2. Objective:

To guide Gram Sabha and Forest Dwelling Scheduled Tribes (FDST) / Other Traditional Forest Dwellers (OTFD) Communities in managing their Community Forest Resource (CFR) as per provisions of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (hereinafter referred to as the Forest Rights Act or FRA).

3. Relevant definitions and provisions of Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006 and Rules made thereunder with regard to Community Forest Resource:

3.1 Community Forest Resources: As per Section-2 (a) of the Forest Rights Act, the "community forest resources" means customary common forest land within the traditional or customary boundaries of the village or seasonal use of landscape (in the case of pastoral communities) including reserved forests, protected forests and protected areas such as Sanctuaries and National Parks to which the community had traditional access.

3.2 Duties attached to holders of forest rights, Gram Sabha and village level institutions: Section 5 of FRA stipulates duties by empowering the holders of forest rights, Gram Sabha and village level institutions in areas where there are holders of any forest rights to:

- a. Protect the wildlife, forest and biodiversity;
- b. Ensure that adjoining catchments area, water sources and other ecological sensitive areas are adequately protected;



- c. Ensure that the habitat of forest dwelling Scheduled Tribes and other traditional forest dwellers is preserved from any form of destructive practices affecting their cultural and natural heritage;
- d. Ensure that the decisions taken in the Gram Sabha to regulate access to community forest resources and stop any activity which adversely affects the wild animals, forest and the biodiversity are complied with.

3.3 Committee for Section 5 of the Act: The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2008 as amended by the Ministry of Tribal Affairs in 2012, under Rule 4 (1) (e) provides that Gram Sabha shall constitute “Committees for the protection of wildlife, forest and biodiversity, from amongst its members, in order to carry out the provisions of section 5 of the Act.”

3.4 Mechanism to monitor and control the Committee: The Rule 4(1) (f) provides that Gram Sabha shall monitor and control the Committee constituted under clause 4(1)(e) which shall prepare a conservation and management plan for community forest resources in order to sustainably and equitably manage such community forest resources for the benefit of forest dwelling Scheduled tribes and Other Traditional Forest Dwellers and integrate such conservation and management plan with the micro plans or working plans or management plans of the forest department with such modifications as may be considered necessary by the committee.

4. Claimant for recognition of rights under Section 3(1)(i):

4.1 As per Rule 2(1) (c) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2008 “claimant” means an individual, group of individuals, family or community making a claim for recognition and vesting of rights listed in the Act. Rights under 3(1)(i) of FRA are “community right”.

4.2 As per Rule 11(4) the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2008, the Forest Rights Committee (FRC) shall also prepare the claims on behalf of Gram Sabha for “community forest rights in Form B and the right over community forest resource under clause (i) of sub-section (1) of Section 3 in Form C.

4.3 The rights under Section 3(1)(i) shall be recognized and vested in terms of laid down procedure in the FRA and Rules made thereunder.

5. Meaning and definition of Gram Sabha and Village: the meaning of Gram Sabha and Village shall be as defined in Section 2(g) and section 2(p) respectively of the FRA.



6. The Gram Sabha shall pass its resolutions with a majority, ensuring quorum as under Rule 4(2).

6.1 The First meeting of the Gram Sabha, for the purpose of constituting the CFRMC, shall be convened by the Secretary of the concerned Gram Panchayat. The meeting of the Gram Sabha will be presided over by the traditional headman of the village or by the person elected as the chairperson from amongst its members.

6.2 Constitution of Community Forest Resource Rights Management Committee (CFRMC): The Gram Sabha shall constitute a committee required under Rule 4(1) (e) from amongst the members of the Gram Sabha to look after the day-to-day work as the executive arm of the Gram Sabha with regard to exercise of rights as mentioned in Section 3(1) (i) and duties as mentioned in Section 5 of FRA.

The norms for constitution of CFRMC will be as under:

- i. The CFRMC shall consist of 5 to 11 persons as members provided that at least two-third members shall be from the Forest Rights holders. It will also have at least one third women members.
- ii. CFRMC shall decide on a Chairperson, a Secretary and a Treasurer and inform Sub-Division Level Committee (SDLC), District Level Committee (DLC) and the District Level Monitoring Committee constituted by the State Government / UT Administration related to CFR.
- iii. The tenure of the CFRMCs will be decided by Gram Sabha for a period of minimum of 3 years which can be extended by the Gram Sabha upto 5 years. In case of any vacancies, Gram Sabha will have powers to decide about new members.
- iv. The payment towards honorarium or other allowances, if any, to the members of CFRMC shall be decided by a resolution of the Gram Sabha and will be solely borne from the resources of CFRMC.
- v. Any existing Committee for forest resource management already constituted under FRA and Rules made thereunder or any other non statutory committee for forest resource management at the Gram Sabha level shall be deemed to be replaced by the CFRMC.
- vi. Where Community Forest Resource right is recognized over a common forest patch being conserved and managed by more than one Gram Sabha, the CFRMC shall be constituted by a joint meeting of the Gram Sabhas concerned under guidance of SDLC.

6.3 Holding of Meetings of Gram Sabha: The Gram Sabha shall meet with quorum as and when required and in any case not less than once in six months to approve and review the plans made by CFRMC. The Secretary of the Gram Panchayat shall inform all the members not less than 7 days in advance. In case of emergency, the seven- day notice period may be waived for holding the meeting.



6.4 Functions of Community Forest Resource Management Committee (CFRMC):

- i. Carry out all executive functions as decided by the Gram Sabha from time to time and remain accountable and answerable to the Gram Sabha for its actions;
- ii. Prepare a draft conservation and management plan or related documents on behalf of the Gram Sabha as stipulated under Rule 4 (1) (e) & (f).
- iii. On behalf of the Gram Sabha / right-holder communities, coordination with other Departments / Committees for the protection of wildlife, forest and biodiversity, catchment areas, water sources and other ecologically sensitive areas located within which it has recognized forest rights.
- iv. Maintain records and documents relating to the functioning of Gram Sabha including executive and financial operations in respect of CFR management.
- v. Ensure that views of Forest right holders of all Gram Sabha(s), who depend on CFR areas are duly taken care of in CFR Conservation and Management Plan.

7. Preparation and Execution of CFR Conservation and Management Plan:

- i. The Conservation and Management Plan shall be known as "Community Forest Resources Management Plan" (CFRM Plan).
- ii. On receipt of a written communication from the Gram Sabha, the concerned government agency will provide an authenticated copy of information, records, maps or other documents, as the case may be, expeditiously.
- iii. The views of forest right holders should be considered while preparing CFRM plan.
- iv. Gram Sabhas concerned will meet together to arrive at consensus, failing which the matter will be referred to District Level CFR Monitoring Committee as constituted by the State Government / UT Administration related to CFR.
- v. After approval of CFRM Plan by the Gram Sabha, the CFRMC shall coordinate with Forest Department for its integration with the micro plans or working plans or management plans of the Forest Department as stipulated under Rule 4(1) (f).

8. Coordination between the stakeholders and concerned Departments: State Government will facilitate so that all the stakeholders and concerned Departments / authorities work in convergence for smooth implementation of provisions of FRA and Rules made thereunder in regard to vesting of right as mentioned in Section 3(1) (i) and conduct of duties as mentioned in Section 5 of FRA.

8.1 The State Level Monitoring Committee will

- i. Take action for communication of this guideline and capacity building to all appropriate bodies including Gram Sabha and members of SDLCs, DLCs, line departments including the Forest Department.



- ii. Constitute District Level CFR Monitoring Committee for management of Community Forest Resource in the district in the light of Rule 12(b)(iv) and Rule 16 under FRA.
- iii. Monitor the progress of implementation of this guideline in the State.
- iv. Issue necessary instructions to all line departments including the forest department to extend the required support to the Gram Sabhas during development and execution of the plan or activities.

8.2 The District Level CFR Monitoring Committee (DLMC) will

- i. Facilitate convergence at District/ Block Level appropriately to implement this guideline including compliance of Rule 16 of FRA.
- ii. Facilitate integration of the CFR conservation and management plans approved by the Gram Sabha with the Working / Management Plans of Forest Department.
- iii. Issue an authorization letter for opening of current bank account in the name of Gram Sabha for operation of CFR management plan.
- iv. Facilitate updation of the Revenue and Forest Record of Rights regarding CFR as mentioned in 3(1)(i), the area so vested in a community should be duly incorporated / recorded as "Community Forest Resource" or "CFR" in forest and revenue records and the name of Gram Sabha or community(ies) as applicable [Rule 8(i)].
- v. In case of any misuse/fraud reported by the Audit or come to light during inspection of the Government officers, the same shall be dealt with as per the provisions of relevant rules.
- vi. Prepare an action plan for conducting of training / sensitization/ awareness programme for the line department officers, members of CFRMCs, PRI members and other stakeholders at a regular interval on implementation of FRA, rules and guidelines. Technical or knowledge support can be availed from State TRIs/ Universities or academic institutions / domain experts having expertise in the relevant fields. Training / sensitization/ awareness programme will also include the following:-
 - a. Their role and responsibilities;
 - b. Financial management by CFRMC members, which includes record keeping, social auditing or mandated process as required under the State laws;
 - c. the scope of convergence of various state and central government programs and schemes, guidelines or instructions issued by the State or Central Government pertaining to the Conservation and Management of CFRs.
- vii. Financial support for such trainings/ sensitization/ awareness programme can be availed from the Government of India (GoI) Scheme i.e. "Support to Tribal Research Institute (TRI)" and Grants under Article 275(1) of the Constitution. Due procedure of approvals under the scheme guidelines shall be followed.
- viii. Coordinate with all line departments including forest department to provide all required support to the Gram Sabha including relevant information, map and copy of the working or management plan;



- ix. Monitor & submit progress report of the implementation of CFR Conservation and Management Plan to the State Level Monitoring Committee from time to time;
- x. Provide all the required support to the Gram Sabha or CFRMC, as and when they require for development as well as execution of CFRM Plan.
- xi. Consider Gram Sabha as a bona fide implementing agency and provide funds wherever necessary from available relevant schemes for carrying out forestry activities including soil conservation, bamboo/ tendu and other MFP management, plantation, nursery raising, road construction, water harvesting structures or any restoration work.

9. Financial Management:

The Gram Sabha shall be responsible for revenue and expenditure thereof for its functioning related to CFRMC. Following norms should be followed:

- i. A single bank account shall be opened in a Nationalized bank or Post Office in the name of Gram Sabha to carry out day-to-day activities related to the implementation of the CFRM Plan as approved by the Gram Sabha. This bank account will be operated by the office bearers of CFRMC authorized as signatories by a resolution of the Gram Sabha.
- ii. The Gram Sabha shall make procedural rules on the fund management including revenue sharing amongst right holders, budget and expenditure which will be subject to audit.
- iii. Auditing and accounting procedures related to financial management of the CFRMC shall be those prescribed for Gram Panchayat as per Panchayati Raj Rules/ regulation.
- iv. The fund for CFRMC can have following sources:
 - a. Agreed upon contribution from sale of forest produce towards management of CFR.
 - b. Grants for developmental activities related to CFR Management received from the Government.
 - c. Funds or grants received from other non-governmental agencies for development works related to CFR Management.
 - d. Funds provided by the forest department for forest development work if any.
- v. The office bearers involved in all finance related activities, shall remain accountable to the Gram Sabha.
- vi. All the expenses will be in line with the rules laid down, authorized and recorded in the proceedings of the Gram Sabha. The Gram Sabha should put a ceiling above which expenses may only be authorized through a resolution of the Gram Sabha.
- vii. The CFRMC needs to record all the receipts and payment details in the ledger and cash book and reconcile the account of Gram Sabha.
- viii. Payment of wages shall be made in a transparent manner and as far as possible cash payments may be avoided.



- ix. The CFRMC will review the statement of accounts (receipt and expenditure) along with asset register and Gram Sabha Resolution Register from time to time and at least once in every quarter and get the same ratified by the Gram Sabha.
- x. The statement of account of the Gram Sabha shall remain open for inspection by officer(s) duly authorised by the State Government.
- xi. The annual statement of revenue and expenditure shall be finalized by the Gram Sabha within three months of completion of the financial year and thereafter will be audited by Chartered Accountant and will be shared with the District Level CFR Monitoring Committee for information and record.

10. Settlement of disputes:

10.1 Disputes between two or more Gram Sabhas and redressal of grievance of Gram Sabha shall be dealt as per Rule 14(7) and Rule 15 (7). Disputes within members of Gram Sabha will be resolved in the meeting of Gram Sabha. Persons aggrieved by the decision of Gram Sabha can approach SDLC.

10.2 Violations of the Conservation of resources in the CFR area:

Consequent upon the recognition of forest right in Section 3(i) of the Act to protect, regenerate or conserve or manage any community forest resource, the powers of the Gram Sabha would be in consonance with the duties as defined in Section 5(d), wherein the Gram Sabha is empowered to regulate access to community forest resources and stop any activity which adversely affects the wild animals, forest and the bio-diversity. Any activity that adversely affects the wild-life, forest and bio-diversity in forest area or interferes with enjoyments of rights under 3 (1) (e) would be dealt with under the provisions of the relevant Acts. The forest department will provide necessary support to protect the wild-life and biodiversity as per the relevant Act.

