

No. 19020/02/2012-FRA (Vol.II)
Government of India
Ministry of Tribal Affairs

August Kranti Bhawan, New Delhi
Dated: 5.03.2015

Office Memorandum

Subject: Applicability of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 in Municipal/Urban Areas- regarding

The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (hereafter 'FRA') is for recognition and vesting of individual and community rights on forest land irrespective of its location. Ministry, vide OM dated 29th April 2013 bearing F. No. 19020/02/2012-FRA had clarified accordingly.

2. Some of the States/UTs have sought advice of the Ministry of Tribal Affairs with respect to details of application of the Act in urban/ Municipal areas. In order to facilitate effective implementation through a uniform process, Ministry of Tribal Affairs by exercising power under Section 12 of the FRA, 2006 issues the following directions:
3. Part IX-A (The Municipalities) of the Constitution of India, particularly Article 243Q, requires that every State shall constitute the following categories of municipal areas in urban areas:
 - a. Nagar Panchayat (by whatever name called) for a transitional area, that is to say, an area in transition from a rural area to an urban area;
 - b. Municipal Council (which could also have different nomenclature), for a smaller urban area;
 - c. Municipal Corporation (again, by whatever name called), for a larger urban area.
- 3.1 On forest rights in municipal areas, all references to the term 'Gram Sabha' in the FRA, the FR Rules, the Guidelines, clarifications etc., shall be understood to mean the Wards Committee if constituted under Article 243S of the Constitution, and if not constituted, the assembly of adult residents of the settlement where such a habitation or settlement has continued to exist and is clearly identifiable; and if such settlement is not clearly identifiable, the Mohalla Sabha or Pada or Tola, whichever is smaller;
Provided that in Nagar Panchayats or other transitional areas, the Gram Sabha shall comprise the assembly of adult residents of the erstwhile pada/ tola/ hamlet/ habitation/ traditional village.

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3.2 This assembly under Section 6 of the FRA shall initiate the process for determination of the nature and extent of individual and community forest rights or both, and shall also perform the functions of the Gram Sabha as delineated in the FRA, the FR Rules, the Guidelines etc., including the powers listed in Section 5 of the FRA, the functions delineated in Rule 4, and the constitution of a Forest Rights Committee (FRC) as defined in Rule 2(e) of the FR Rules.

3.3 The Sub-Divisional Level Committee (SDLC) constituted under Section 6(3) of the FRA shall also receive, consider, decide on all claims from municipal areas in the said Sub-Division, subject to the modification in para 3.5 below.

3.4 The existing District Level Committee (DLC) constituted under Section 6(5) of the FRA, shall also consider and take decisions on all claims from municipal areas in the said District, subject to the modification in para 3.5 below.

3.5 The SDLC and DLC, composition in municipal areas, shall be as follows:

a. In municipal areas not covered under the Sixth Schedule to the Constitution, the three representatives of Panchayati Raj Institutions in the SDLC, as specified in Rule 5(c) of the FR Rules, shall be replaced with representatives nominated by the municipality/municipalities in the Sub Division; of whom at least two shall be Scheduled Tribes (STs) preferably those who are forest dwellers, or who belong to the particularly vulnerable tribal groups, and where there are no STs, two members who are preferably other traditional forest dwellers, and one shall be a woman member;
Provided that where there are more than one municipality in the Sub -Division, the members shall be nominated from different municipalities in decreasing order of tribal population residing therein

b. In municipal areas other than those falling under the Sixth Schedule to the Constitution, the three members of the District Panchayat in the DLC specified in Rule 7(c) of the FR Rules, shall be replaced by 3 members from the Town Panchayats/ Municipal Councils/ Municipal Corporations in such District, to be nominated by the municipalities of the District; of whom at least two shall be STs preferably those who are forest dwellers, or who belong to the particularly vulnerable tribal groups, and where there are no STs, two members who are preferably other traditional forest dwellers, and one shall be a woman member;
Provided that where there are more than one Nagar Panchayat/Municipal Council/ Municipal Corporation in the District, the members shall be nominated from different municipalities in decreasing order of tribal population residing therein.

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- c. In areas covered under the Sixth Schedule to the Constitution, the aforesaid members of the SDLC and DLC shall be from the Village Council/Committee and atleast one such member shall be a woman.
- 3.6 Where the Nagar Panchayat/ Municipal Council/ Municipal Corporation is at the District level or comprises several Districts, efforts should be made to consult SDLC at the Sub-Division level within the District.
- 3.7 The State Level Monitoring Committee (SLMC) constituted under Section 6(7) of the FRA read with Rule 9 of the FR Rules shall regularly monitor the progress of recognition and vesting of forest rights in municipal areas and submit returns and reports in this regard to this Ministry, and all other functions as specified under Rule 10 of the FR Rules shall also extend to municipal areas.
- 3.8 All powers, duties, and functions of the SDLCs, DLCs, and SLMCs as specified in the Forest Rights Act, the Forest Rights Rules, the Guidelines, clarifications etc. shall apply *mutatis mutandis* to exercise of such powers, duties, and functions with respect to forest rights in municipal areas also.
4. This direction issues with the approval of the Hon'ble Minister, Tribal Affairs.



(Roopak Chaudhuri)

Deputy Secretary to the Government of India

Tel: 26182428

To,

1. The Chief Secretaries of all States/UTs
2. Principal Secretaries/Secretaries, TWD of States/UTs
3. The Secretary, M/o Environment, Forest & Climate Change, Indira Paryavaran Bhawan, Aliganj, Jorbagh Road, New Delhi – 110 003
4. The Secretary, M/o Urban Development, Nirman Bhawan, New Delhi – 110001
5. The Secretary, M/o Panchayati Raj, Krishi Bhawan, New Delhi – 110001
6. The Secretary, M/o Law & Justice, Shastri Bhawan, New Delhi – 110 001

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2. Cabinet Secretary, Cabinet Secretariat, Rashtrapati Bhawan, New Delhi - 1