



Rules Summary

The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012

- The government notified the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012 on September 6, 2012. These Rules amend the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2008, notified under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.
- The Act recognises and vests forest rights and occupation of forest land with Scheduled Tribes and other traditional forest dwellers. These rights include the right to collect and sell minor forest produce and the right to live in the forest land for habitation or self-cultivation for livelihood, etc.
- The amending Rules introduce the process to be followed by the Gram Sabha and district level committee, the process for the recognition of rights and amends certain definitions. Some of the key amendments include:

Gram Sabha

- The Gram Sabha shall monitor the committee constituted for the protection of wildlife, forest and biodiversity. It has to approve all decisions of the committee pertaining to the issue of transit permits to transport minor forest produce, use of income from sale of produce, or modification of management plans. The collection of minor forest produce is to be free of all fees. The committee has to prepare a conservation and management plan for community forest resources.
- The Forest Rights Committee (FRC) of the Gram Sabha shall not reexamine recognised forest rights or interfere in the verification of claims that are pending.
- The number of Scheduled Tribes represented on the FRC has increased from one-third to two-thirds.
- The quorum of the Gram Sabha meeting has been decreased from two thirds to one-half of the

members. At least one-third of the members present shall be women. While passing a resolution regarding the claims of forest rights, at least 50 per cent of the claimants to forest rights or their representatives should be present.

District level committee

- The committee should ensure that a certified copy of the record of the right to community forest resource is provided to the Gram Sabha.

State level monitoring committee

- The committee should meet at least once in three months to monitor the recognition, verification and vesting of forest rights, and furnish a quarterly report to the central government.

Definitions

- ‘Bonafide livelihood needs’ refers to the fulfillment of livelihood needs (earlier sustenance needs). These can be fulfilled through the sale of surplus produce.
- A definition of ‘community rights’ was added and includes rights such as (a) ownership, access to collect, use and dispose of minor forest produce, (b) fishing and grazing, and (c) conversion of all forest villages into revenue villages.
- ‘Disposal of minor forest produce’ includes individual or collective processing and storage by the Scheduled Tribes. The produce can be transported through appropriate means of transport (earlier transportation was only permissible by head-loads, bicycle and handcarts).

Process of recognition of rights

- A process to identify unrecorded or unsurveyed settlements or forest villages by every Panchayat was introduced. A process of recognition of individual rights and community rights has been incorporated. The delineation of community forest resources may include existing legal boundaries such as reserve forests, protected forests and national parks.

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