ROFR TOTs Training Programme

on 31-01-2017 & 01-02-2017

O/o Director General, AP HRDI, Bapatla, Andhra Pradesh

State Project Monitoring Officer
ROFR Act, 2006
O/o Tribal Welfare, Vijayawada
Preamble

- An Act to recognise 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 whose rights could not be vested and the nature of evidence required for such recognition and vesting in respect of forest land, have been enacted by Ministry of Tribal Affairs, Government of India, and the Act is known as the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.
The Background for enacting above Act is:

- Traditional Rights of Tribal community’s, Ex: ancestral land, collection of minor forest produce, grazing or cultivation were not recognised.
- Tribes displaced due to dams, mines and other mega projects were often settled in forest land without legal process.
- As result of traditional right holders on forest land were termed as “encroachers”.
- To address longstanding insecurity of tenurial rights and access to resources of STs & OTFDs, Parliament enacted FRA 2006, which was notified on 31-12-2007.
- The Act primarily envisages the protection of Forest Rights of the Scheduled Tribes and Other Traditional Forest Dwellers.
Objectives & Rights provided under FRA, 2006

- To recognise and record rights of Forest Dwellers who have been residing in such forests for generations.
- Empower the forest dwellers with the power to protect and manage.
- Individual Rights relate to Habitation & Cultivation for livelihood.
- Community Rights relate to Collection of minor forest produce (MFP), fishing (using water bodies), grazing & Community Forest Resource (Protection, Conservation & Management for sustainable use).

The channels of process of Forest Rights claims are Gram Sabha to Forest Rights Committee (FRC) to Sub Division Level Committee (SDLC) to District Level Committee (DLC) and State Level Monitoring Committee (SLMC).
Short Title and Commencement:

- The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 aims at recognizing and vesting the rights of forest dwelling Scheduled Tribes and Other Traditional Forest Dwellers who have been residing in and depending on the forest for their bona fide livelihood needs for generations without any recorded rights.
- The Act (Act 2 of 2007) came into force on 31-12-2007 and the Rules there under w.e.f. 01-01-2008.
Eligibility:
- If Scheduled Tribes had occupied forest land before the 13th December, 2005, the Act will apply.
- If Other Traditional Forest Dwellers, who have for at least three generations prior to the 13th day of December, 2005 primarily resided in and who depend on forest or forest lands for bonafide livelihood needs, the Act will apply.

Extent:
- **For individual Claims:** The land under occupation or maximum 4 hectare, whichever is less per family.
- **For community claims:** The forest land to be diverted for the community purposes is less than one hectare in each case, but should not exceed felling of 75 trees per hectare.

Nodal Agency: **Tribal Welfare Department**
- Operational guidelines are issued vide G.O.Ms.No.102 SW (LTR-1) Dept, dated 06.06.2008.
STEPS INVOLVED IN IMPLEMENTATION OF RoFR ACT, 2006

- Constitution of Grama Sabha
- Constitution of FRC
- Issue of Notification
- Collection of Claims
- Survey by FRC (Joint Survey)
- Approval claims in Grama Sabha
- Constitution and approval of claims in SDLC recommended by Grama Sabha
- Constitution and approval of claims in DLC recommended by SDLC
- Issue of Title deeds
- Constitutional SLMC at state level
- Re-survey claims rejected by the DLC, SDLC and Grama Sabha
- Record of Rights to be incorporated in Revenue Records
- Developmental activities.
Forest Rights recognized by the Act:

- Right to hold and live in the forest and land under the individual or common occupation for habitation or for self-cultivation for livelihood by a member or members of a forest dwelling scheduled tribe or other traditional forest dwellers;
- Community rights such as *nistar*.
- Right of ownership, access to collect, use and dispose of minor forest produce which has been traditionally collected within or outside village boundaries;
- Other community rights of uses or entitlements such as fish and other products of water bodies, grazing (*both settled or transhumant*) and traditional seasonal resources access of nomadic or pastoralist communities;
• Rights including community tenures of habitat and habitation for primitive tribal groups and pre-agricultural communities;
• Rights for conversion of pattas or leases or grants issued by any local authority or any State Government on forest lands to titles;
• Rights of settlement and conversion of all forest villages, old habitation, un surveyed villages and other villages in forests, whether recorded, notified or not into revenue villages;
• Right to protect, regenerate or conserve or manage any community forest resources which they have been traditionally protecting and conserving for sustainable use;
• Rights which are recognized under any state law or laws of any Autonomous District Council or Autonomous Regional Council or which are accepted as rights of tribals under any traditional or customary law of the concerned tribe of any state;
• Right of access to biodiversity and community right to intellectual property and traditional knowledge related to biodiversity and cultural diversity;

• Any other traditional right customarily enjoyed by the forest dwelling Scheduled Tribes and Other Traditional Forest Dwellers, as the case may be, but excluding the traditional right of hunting or trapping or extracting a part of the body of any species of wild animal;

• Right to in situ rehabilitation including alternative land in cases where the Scheduled Tribes and Other Traditional Forest Dwellers have been illegally evicted or displaced from forest land of any description without receiving their legal entitlement or rehabilitation prior to the 13th day of December, 2005.
Diversion of Forest Land:

The forest land to be diverted for the community purposes is less than one hectare in each case, but should not exceed felling of 75 trees per hectare to create following facilities:

(a) schools;
(b) dispensary or hospital;
(c) anganwadis;
(d) fair price shops;
(e) electric and telecommunication lines;
(f) tanks and other minor water bodies;
(g) drinking water supply and water pipelines;
(h) water or rain water harvesting structures;
(i) minor irrigation canals;
(j) non-conventional source of energy;
(k) skill up-gradation or vocational training centres;
(l) roads; and
(m) community centres;
Highlights of the activities under ROFR

- A total number of 1,72,917 applications for a total extent of 9,68,420.40 acres have been received from the tribals and other traditional forest dwellers under ROFR Act, 2006 till the end of December, 2016.

- The Status position of Applications / claims received from tribals and the title deeds issued, claims rejected and claims pending etc., is as under

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Details of Status of Claims Position</th>
<th>Application / Claims</th>
<th>Extent of Acerage</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Individual Claims made by claimants</td>
<td>1,69,008</td>
<td>3,65,406.23</td>
</tr>
<tr>
<td>2</td>
<td>Community Claims made by claimants (including VSS)</td>
<td>3,909</td>
<td>6,03,014.17</td>
</tr>
<tr>
<td>3</td>
<td>Total Claims received</td>
<td>1,72,917</td>
<td>9,68,420.40</td>
</tr>
<tr>
<td>4</td>
<td>No. of title deeds distributed</td>
<td>84,110</td>
<td>6,36,440.93</td>
</tr>
<tr>
<td>5</td>
<td>Claims rejected</td>
<td>65,877</td>
<td>1,45,637.32</td>
</tr>
<tr>
<td>6</td>
<td>Claims pending</td>
<td>22,930</td>
<td>1,86,341.26</td>
</tr>
</tbody>
</table>
## Month–wise ROFR Progress for the month of DECEMBER – 2016 in Andhra Pradesh

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>District</th>
<th>Individual claims</th>
<th>Community Claims (including VSS)</th>
<th>Total claims received</th>
<th>Rejected Claims</th>
<th>No. of Titles Distributed</th>
<th>Pending Claims</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Claims (Ac.)</td>
<td>Claims (Ac.)</td>
<td>Claims (Ac.)</td>
<td>Claims (Ac.)</td>
<td>Claims (Ac.)</td>
<td>Claims (Ac.)</td>
</tr>
<tr>
<td>1</td>
<td>Srikakulam</td>
<td>22,725</td>
<td>561</td>
<td>23,286</td>
<td>3,654</td>
<td>15,351</td>
<td>3,439</td>
</tr>
<tr>
<td>2</td>
<td>Vizianagaram</td>
<td>24,318</td>
<td>538</td>
<td>24,856</td>
<td>8,755</td>
<td>14,505</td>
<td>1,596</td>
</tr>
<tr>
<td>3</td>
<td>Visakhapatnam</td>
<td>53,548</td>
<td>389</td>
<td>53,937</td>
<td>8,412</td>
<td>33,279</td>
<td>12,246</td>
</tr>
<tr>
<td>4</td>
<td>East Godavari</td>
<td>20,839</td>
<td>1,248</td>
<td>22,087</td>
<td>12,449</td>
<td>8,530</td>
<td>1,108</td>
</tr>
<tr>
<td>5</td>
<td>West Godavari</td>
<td>12,041</td>
<td>345</td>
<td>12,386</td>
<td>10,454</td>
<td>1,932</td>
<td>63,961.68</td>
</tr>
<tr>
<td>6</td>
<td>Kurnool</td>
<td>509</td>
<td>10</td>
<td>4,587.15</td>
<td>169</td>
<td>350</td>
<td>817.45</td>
</tr>
<tr>
<td>7</td>
<td>Krishna</td>
<td>4,099</td>
<td>-</td>
<td>4,099</td>
<td>3,195</td>
<td>904</td>
<td>1,498.00</td>
</tr>
<tr>
<td>8</td>
<td>Guntur</td>
<td>14,275</td>
<td>25</td>
<td>14,300</td>
<td>11,231</td>
<td>3,002</td>
<td>5,646.73</td>
</tr>
<tr>
<td>9</td>
<td>Prakasham</td>
<td>5,272</td>
<td>77</td>
<td>5,349</td>
<td>2,907</td>
<td>2,427</td>
<td>9,635.26</td>
</tr>
<tr>
<td>10</td>
<td>SPSR Nellore</td>
<td>1,030</td>
<td>-</td>
<td>1,030</td>
<td>34</td>
<td>788</td>
<td>782.27</td>
</tr>
<tr>
<td>11</td>
<td>Chittoor</td>
<td>793</td>
<td>42</td>
<td>27,831.96</td>
<td>683</td>
<td>152</td>
<td>27,980.14</td>
</tr>
<tr>
<td>12</td>
<td>YSR Kadapa</td>
<td>154</td>
<td>-</td>
<td>154</td>
<td>87</td>
<td>67</td>
<td>122</td>
</tr>
<tr>
<td>13</td>
<td>Ananthapuram</td>
<td>2,924</td>
<td>1</td>
<td>2,925</td>
<td>2,334</td>
<td>442</td>
<td>806.86</td>
</tr>
<tr>
<td>14</td>
<td>Srisailam</td>
<td>6,481</td>
<td>673</td>
<td>7,154</td>
<td>1,513</td>
<td>2,381</td>
<td>18,406.17</td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td>1,69,008</td>
<td>3,909</td>
<td>1,72,917</td>
<td>84,110</td>
<td>22,088</td>
<td>1,86,341.26</td>
</tr>
</tbody>
</table>

**Details:**
- **Sl. No.** - Serial Number
- **District** - Administrative District
- **Individual claims** - Number of claims
- **Community Claims (including VSS)** - Claims distributed to communities
- **Total claims received** - Total claims submitted
- **Rejected Claims** - Number of rejected claims
- **No. of Titles Distributed** - Number of titles distributed
- **Pending Claims** - Claims pending for distribution

**Note:**
- AC stands for Acres.
- ROFR refers to Rights of First Refusal.
## DISTRICT-WISE FOREST COVER IN ANDHRA PRADESH

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>District Name</th>
<th>Geographical Area (SqKm)</th>
<th>% of Forest Cover</th>
<th>Forest Area (SqKm)</th>
<th>Forest Area (Acres)</th>
<th>ROFR claims Area by Claimants (Acres)</th>
<th>Balance Forest Area after deducting the claimants land (Acres)</th>
<th>% of Forest Cover after deducting ROFR Area</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>ANANTHAPUR</td>
<td>19,130</td>
<td>3.59%</td>
<td>686</td>
<td>1,71,500</td>
<td>7,042</td>
<td>1,64,458</td>
<td>3.44%</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>CHITTOOR</td>
<td>15,151</td>
<td>16.97%</td>
<td>2,571</td>
<td>6,42,750</td>
<td>28,297</td>
<td>6,14,453</td>
<td>16.22%</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>KADAPA</td>
<td>15,359</td>
<td>26.69%</td>
<td>4,099</td>
<td>10,24,750</td>
<td>394</td>
<td>10,24,356</td>
<td>26.68%</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>EAST GODAVARI</td>
<td>10,807</td>
<td>32.84%</td>
<td>3,549</td>
<td>8,87,250</td>
<td>3,45,432</td>
<td>5,41,818</td>
<td>20.05%</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>GUNTUR</td>
<td>11,391</td>
<td>7.58%</td>
<td>864</td>
<td>2,16,000</td>
<td>24,966</td>
<td>1,91,034</td>
<td>6.71%</td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>KRISHNA</td>
<td>8,727</td>
<td>3.55%</td>
<td>313</td>
<td>78,250</td>
<td>8,129</td>
<td>70,121</td>
<td>3.21%</td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>KURNOOL</td>
<td>17,658</td>
<td>11.94%</td>
<td>2,109</td>
<td>5,27,250</td>
<td>21,178</td>
<td>5,06,072</td>
<td>11.46%</td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>NELLORE</td>
<td>13,076</td>
<td>9.12%</td>
<td>1,193</td>
<td>2,98,250</td>
<td>1,090</td>
<td>2,97,160</td>
<td>9.09%</td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>PRAKASHAM</td>
<td>17,626</td>
<td>18.76%</td>
<td>3,307</td>
<td>8,26,750</td>
<td>34,422</td>
<td>7,92,328</td>
<td>17.98%</td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>SRIKAKULAM</td>
<td>5,837</td>
<td>10.55%</td>
<td>616</td>
<td>1,54,000</td>
<td>59,634</td>
<td>94,366</td>
<td>6.47%</td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>VIZIANAGARAM</td>
<td>6,539</td>
<td>11.42%</td>
<td>747</td>
<td>1,86,750</td>
<td>1,13,329</td>
<td>73,421</td>
<td>4.49%</td>
<td></td>
</tr>
<tr>
<td>12</td>
<td>VISAKHAPATNAM</td>
<td>11,161</td>
<td>30.81%</td>
<td>3,439</td>
<td>8,59,750</td>
<td>2,40,449</td>
<td>6,19,301</td>
<td>22.20%</td>
<td></td>
</tr>
<tr>
<td>13</td>
<td>WEST GODAVARI</td>
<td>7,742</td>
<td>11.44%</td>
<td>886</td>
<td>2,21,500</td>
<td>84,057</td>
<td>1,37,443</td>
<td>7.10%</td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>1,60,204</strong></td>
<td><strong>15.22%</strong></td>
<td><strong>24,379</strong></td>
<td><strong>60,94,750</strong></td>
<td><strong>9,68,420</strong></td>
<td><strong>51,26,330</strong></td>
<td></td>
<td><strong>12.80%</strong></td>
<td></td>
</tr>
</tbody>
</table>
The reasons for rejection and pendency of claims are:

- The Forest Department while rejecting the claims has not produced sufficient documentary evidence.
- The Forest Department rejects the claims based on the Satellite images as evidence.
- Individual claims within the VSS have to be recognised.
- The Claims are multiple/double entries due to sanction of a part of the acreage claimed by claimants and subsequent claims made by claimants for the balance acreage of land.
- Some of claims pending due to cancellation of D-Form Pattas in CA areas converted into forest land.
• **Balance Survey** – in ITDA, Nellore, Srisailam, Seethampet, Paderu and Rampachodavaram and DTWO, Chittoor the survey of the balance lands of the claimants is pending and is requested to complete it in a phased manner to facilitate issuance of Pattas.

• **Receipt of new claims** – in Chittoor & Nellore new claims have been received and the DTWO & PO respectively are requested to sort out the problem to place it in the District Coordination Meeting.

• **Pendency at SDLC and DLC** – the pendency of claims are being sorted out in a time bound programme.

• **Forest land encroachments** – there have been forest land encroachments after the cut off date i.e. 13.12.2005. The activities are rampant after the above date.

• **Claims by other forest dwellers in the scheduled areas** – there is a total prohibition on the transfer of land to non-tribals in the state of AP under ROFR. The Forest land is also claimed by other forest dwellers such as BCs and SCs. Recently a group of claimants from West Godavari District (Velagapadu Panchayat, Tirumaladevipeta, Sriramavaram, Madyahnapuvarigudem, Borrampalem & Veerabhadravaram Villages) requesting to reconstitute SDLC and send resolution to DLC for issuance of Pattas. Of the 153 claimants, 28 claimants have approached the Hon’ble High Court and obtained interim orders to settle their issues by passing appropriate orders as per law.
Fixing of Boundary Poles to the distributed lands of claimants:

- A number of petitions from the claimants are pouring in, complaining that due to non-fixing of boundary poles to the lands already allotted to the claimants. Due to lack of knowledge in the clear demarcation of the lands of claimants, quite often the claimants are unable to utilize the land for cultivating purpose and other purposes.

- The forest department, soon after allotting the land may have to clearly demarcated lands by erecting large and long stones. In some cases this is not being done. As a result, the allotted land to the claimants is also being claimed by the forest department. In the recent orders of the Hon’ble High court, the court has observed that the petitioners (claimants) have approached the Hon’ble Court due to non-fixing of the large and long stones as boundary for their allotted lands.
• The Hon’ble court while disposing the petition filed by the claimants of Guntur District, has ruled that the forest and the revenue authorities shall jointly organize the erection of long and large poles around the boundary of the lands of the claimants, duly providing the necessary budget support for such activity.

• The expected budget for the distributed title deeds may be around 36 Crores @ Rs. 565 per acre.
Establishment of State Project Monitoring Unit (SPMU-ROFR)

- At the behest of the Director, TW and Ministry of Tribal Affairs, Govt. of India, a State Project Monitoring Unit has been established on 17-11-2016, in the office of Director, Tribal Welfare, Vijayawada. A retired DFO (SFS) has been appointed as head of the above State Project Monitoring Unit to monitor the activities under ROFR in the state and to provide necessary inputs for the speedy disposals of pending issues at districts and to pave the way for issuance of Pattas to the claimants.

Establishment of District level Project Monitoring Units (DPMUs)

- A decision in principle to establish DPMUs in the ITDAs/Non-ITDAs has been taken to ensure a more effective implementation of the provisions of ROFR at district level, and to benefit the Schedule Tribes and Other Traditional Forest Dwellers.
MIS Online Monitoring:

- The Director, Tribal Welfare, in the Review Meeting with ROFR incharges, held on 14-12-2016, advised the participants to give data/information on the problems to be solved at District level, SPMU level & HOD level. The Director, further advised the participants to prepare the data with accuracy and place in the website (online) for incorporating the same in the MIS reports to submitted to Govt. of India and State Government. The consolidated data will also be placed in the CM Dash Board.
The plantation programmes by the tribals with the initiative of ROFR as resulted in bright living conditions and their standard of living and also raised their social status. The plantations growers today are far above the BPL category and their empowerment in terms of financial status in the society is augmented par-excellence.

- Coffee plantations are raised under the shade of silver oak in Araku and Paderu of Visakhapatnam district under MGNREGS & NABARD funds.
- Cashew plantations are raised in Vizianagaram, Srikakulam and East Godavari districts under MGNREGS & NABARD funds.
- Nearly 3,50,000 acres of land is under agricultural crops in 13 districts of AP. The ROFR beneficiaries have a net income of Rs. 175.00 Crores on an average per year @ Rs. 5,000/- per acre.
Problems recently solved:

• The Nakkala community, belonging to ST category, have been running their petty business, selling glass beads, threads, stones etc., near Papavinasanam forest area for over forty years. They have been asked to be vacate the land by forest department on the ground that the area after Papavinasanam falls in the reserve forest. The District Collector, Chittoor had held meetings with officials of Forest, Revenue and TW Departments and directed the forest department to permit the Nakkala community to carryon their business till a decision is taken on the claims under ROFR, of Nakkala community over the land for allotment, at DLC level.
The SPMO-ROFR had held discussions with forest officials, revenue officials and DTWO, Chittoor on 3rd January, 2017 and conducted a coordination meeting with three departments. As a result of the coordination meeting, the DFO, Chittoor proposed to hold a Grama Sabha on 20-01-2017 to reexamine the 126 applications / claims of Nakkala community with applicability of ROFR provisions, for consideration to forward them to SDLC for further action. The outcome of the Grama Sabha meeting slated for 20-01-2017 is to be reported by the DFO, Chittoor.
Problem in Kadapa District:

- The DTWO, Kadapa has informed that 67 STs have been issued Patta certificates under ROFR, but the land allotted to these STs are not entered in the webland due to which the STs are unable to obtain bank loans, power connections etc., to their lands and requested to take up the matter CCLA for entering in the webland and connecting the lands to a revenue village. However, the details of the 67 STs are not given. The DTWO, has also requested budgetary support of Rs. 3.60 lakhs from December 2016 to March 2017, to obtain the services of certain personnel for monitoring ROFR activities. The SPMO-ROFR proposed to visit Kadapa, on 30th & 31st, January 2017 to take stock of the totality of the situation on both the issues and to solve the problems.
Field visits by SPMO-ROFR:

- The Senior Consultant-ROFR, (presently SPMO-ROFR) in the month of May 2016 had visited the ITDA, Paderu of Vizag District, ITDA, Parvathipuram of Vizianagaram District, ITDA, Rampachodavaram of East Godavari District & Krishna and Guntur Districts and submitted a detailed report on the activities of these ITDAs and status position of the implementation of the ongoing program. The SPMO-ROFR has highlighted the prevailing conditions of pending claims, reasons for rejection of claims, action to be initiated by the District Officers / POs concerned etc., An action taken report on the report of the senior consultant is also requested and the same is yet to be received from districts.
Paderu ITDA: Coffee Plantations

Parvathipuram ITDA: Cashew Plantations

Srisailam: Advance Operations for raising Crops
Epitome

• STs are among the most disadvantaged socio economic groups in India. ROFR is an important legislation in the direction of providing the Forest rights to the Scheduled Tribes and Other Traditional Forest Dwellers in the context of tribal empowerment and eradication of serious historical injustice. After the enactment of the ROFR Act, 2006 and became operative with effect from 31-12-2007. While the DTWOs and PO-ITDAs are concerned with the implementation of the provisions of the Act in letter and spirit so as to ensure that the implementation is so robust that the benefits will reach the tribals for their socio and economic upliftment with different ongoing Central Government Schemes.

Dr. MVVSN Murthy, SFS.,
State Project Monitoring Officer,
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SPMU-ROFR, O/o Director,
Tribal Welfare Department, AP
Thank You