

**Training Sessions for Pro Deputy
Collectors, Telangana on FRA 2006.**

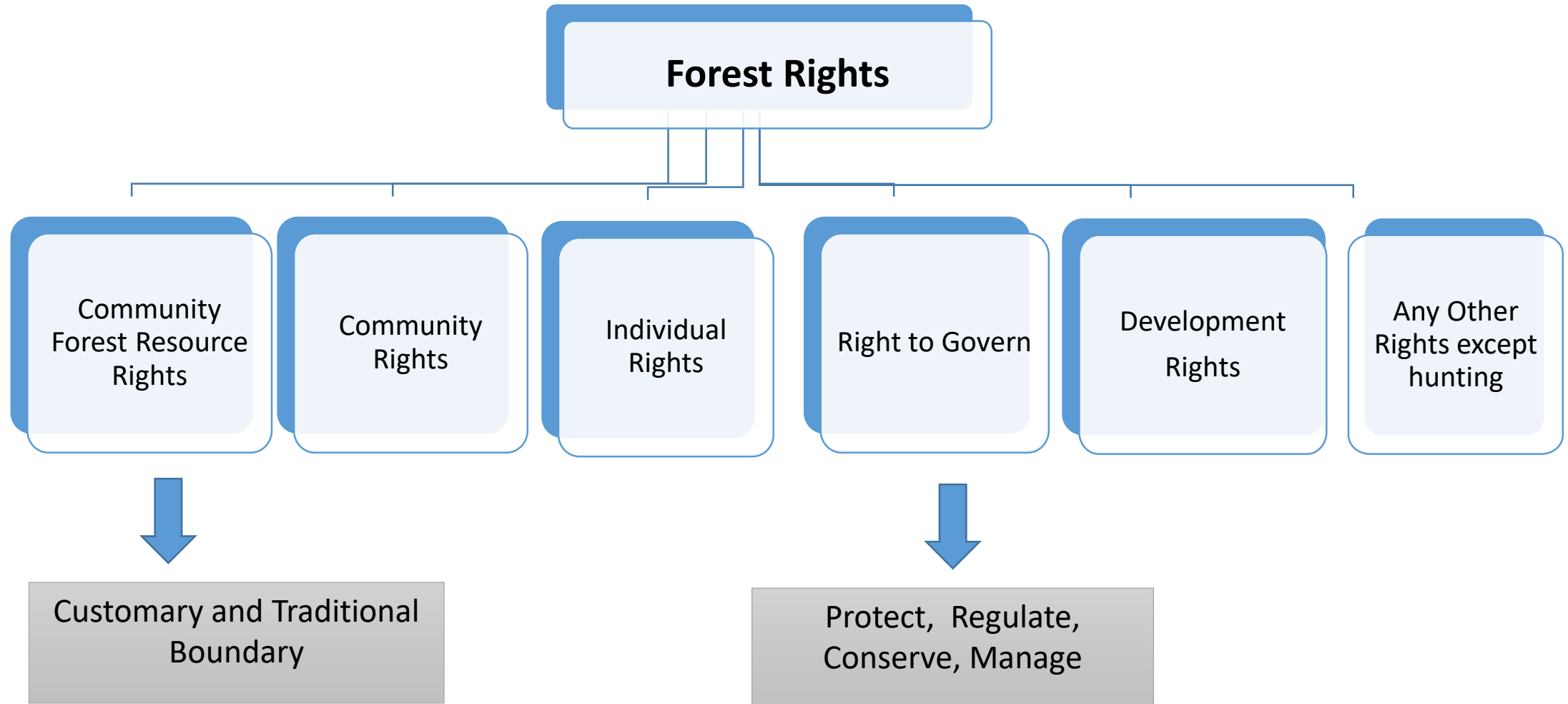
**31-03-2026
At MCHRD, Hyderabad.**

Dr Palla Trinadha Rao

Implementation of Forest Rights Act 2006



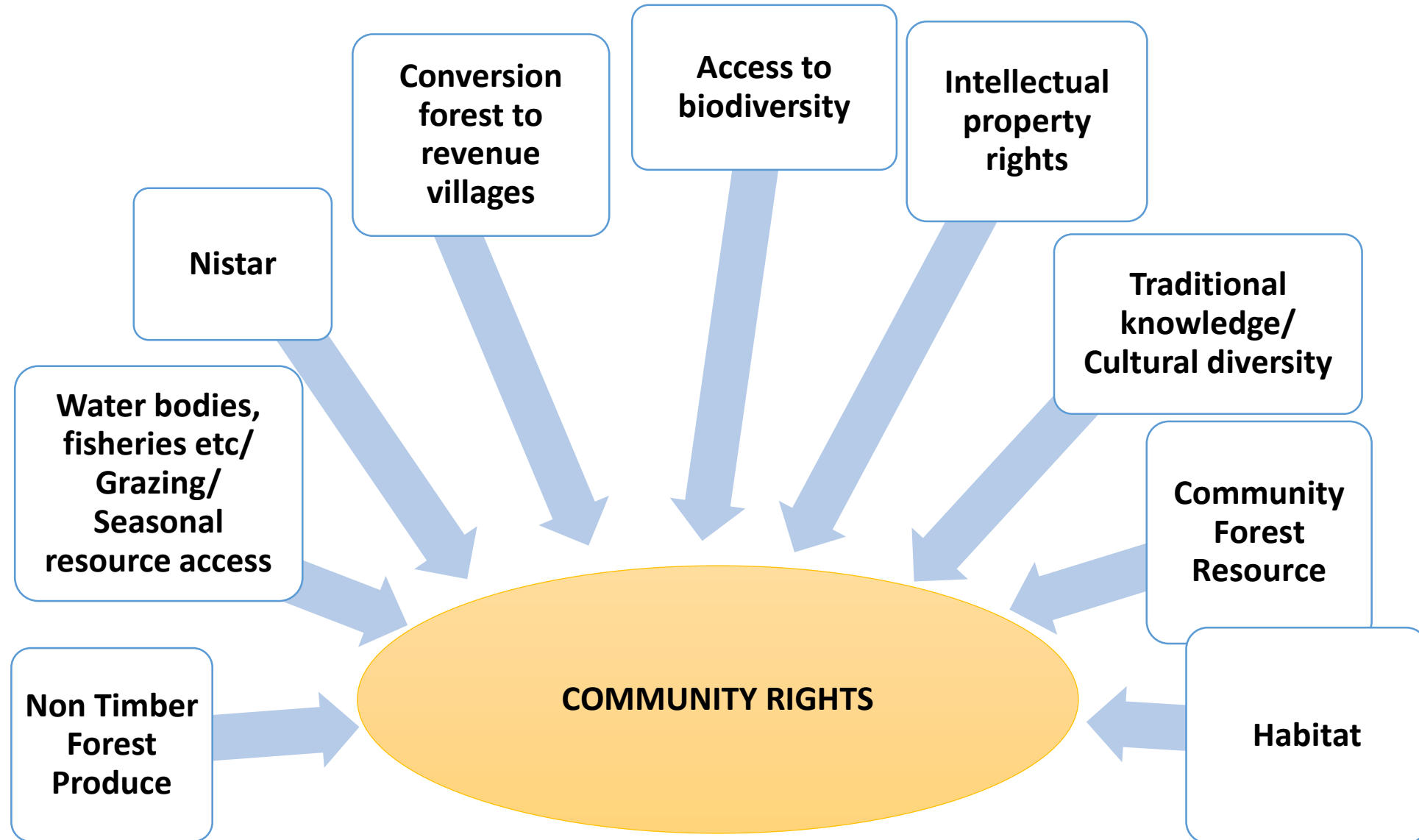
Forest Rights Act 2006



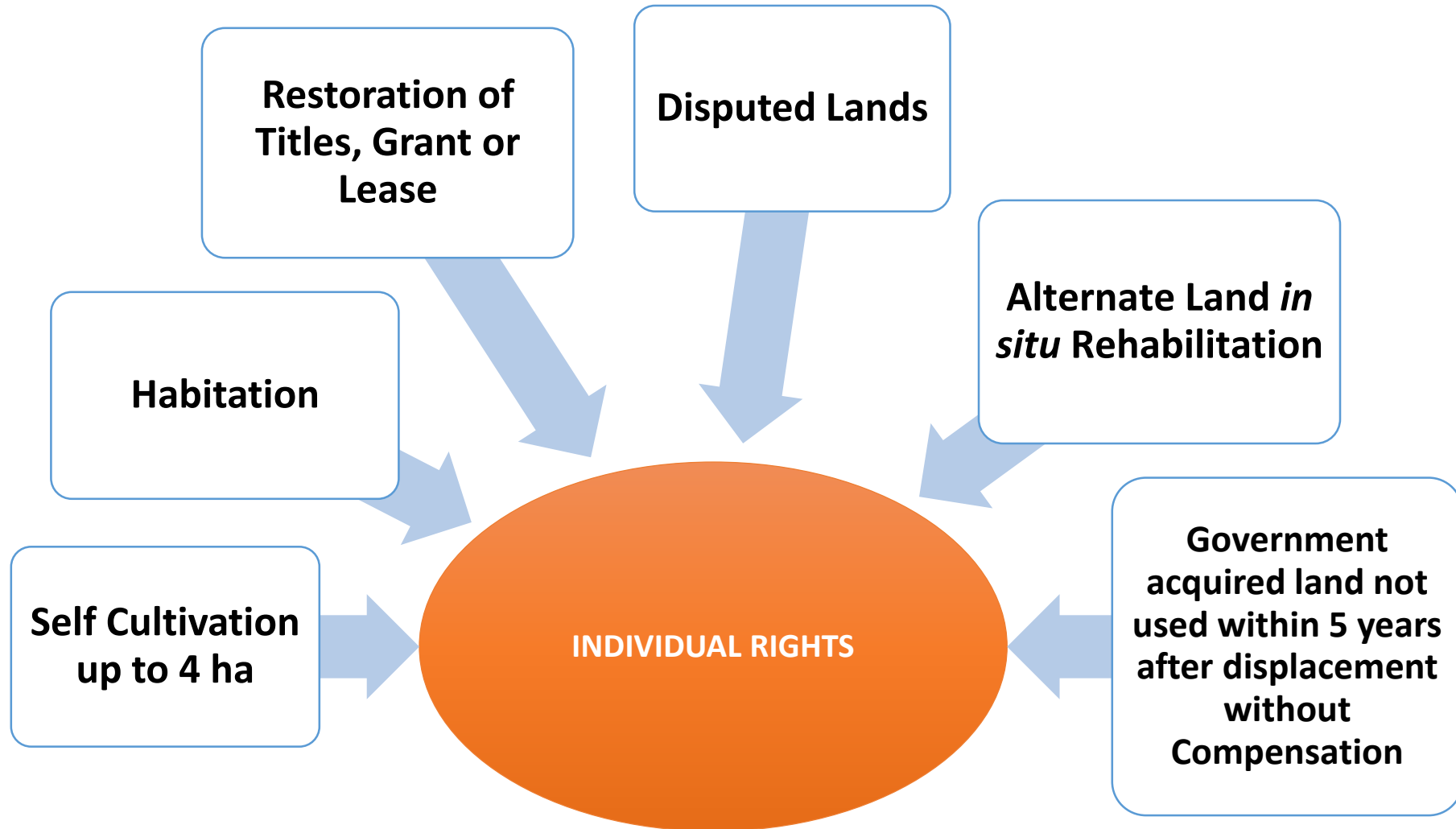
Forest Rights of STs and OTFD-Section 3(1)

- a) Right to hold and live in the forest land under the individual or common occupation for habitation for forest dwelling Scheduled Tribes (STs) and other traditional forest dwellers (OTFDs).
- b) Community rights (e.g., *nistar*) as existed in princely states or intermediary regimes.
- c) Ownership rights to access, collect, use and dispose of minor forest produce (MFP) within or outside village boundaries.
- d) Community rights of use/entitlement (e.g., fish, water bodies, grazing, seasonal resource access of pastoralists).
- e) Habitat rights including community tenures for Particularly Vulnerable Tribal Groups (PVTGs) and pre-agricultural communities.
- f) Rights over *disputed lands* under any nomenclature where claims are contested.
- g) Right to convert Pattas, leases or grants issued by local/state authorities into legal forest land titles.
- h) Right to convert all forest villages, old habitations, and unsurveyed villages into revenue villages.
- i) Right to protect, conserve, regenerate, or manage community forest resources traditionally cared for.
- j) Rights recognized under State laws, Autonomous Councils, or customary laws of tribal communities.
- k) Right to access biodiversity and community intellectual property & traditional knowledge.
- l) Any other traditional right customarily enjoyed (except hunting, trapping or body part extraction of wild animals).
- m) Right to in-situ rehabilitation (including alternative land) if evicted/displaced without legal rehabilitation before 13 Dec 2005.

Forest Rights Act 2006



Forest Rights Act 2006



Forest land and Claimants.

“Forest Land” means land of any description falling within any forest area and includes unclassified forests, un demarcated forests, existing or deemed forests, protected forests, reserved forests, sanctuaries and National Parks. (Sec 2(d))

- **Scheduled Tribes (STs) and Other Traditional Forest Dwellers (OTFDs)**
(Individuals or communities satisfying eligibility criteria)
- **Eligibility Criteria (as per FRA Sections 2(c) and 2(o))**
- Must have primarily resided in forests or forest land
- And must have depended on the forest for bona fide livelihood needs
- For **at least 3 generations** prior to **13 December 2005**
(*One generation = 25 years; i.e., 75 years total*)

Powers and responsibilities of Gram Sabha

Identify and Constitute Villages:

- Gram Sabha [Sec.2(g)] passes list of hamlets/habitations, unrecorded/un-surveyed/forest villages as 'villages' [Sec.2(p)].
- Panchayat prepares the list [Rule 2A].
- PVTG villages including unsettled /floating villages are also to be recognized [Rule 12B(1)]

Quorum of Gram Sabha

- Minimum one-half of members, of which one-third has to be women.
- For claim to rights- Decisions: half of claimants/representatives must be present.
- Simple majority required for decisions.


- **Recognition of Forest Rights**

- Gram Sabha begins process for recognition of forest rights under Section 3(1):

Receives claims; Verifies and consolidates them; Prepares a map showing each claim; Passes a resolution and sends it to the Sub-Divisional Committee (SDLC) *(As per Section 6(1))*

- The Gram Panchayat Secretary shall act as the Secretary of the Gram Sabha [Rule 11(6)].
- Gram Panchayat convenes first meeting to constitute FRC [Rule 3(1)].
- *Constituting Forest Rights Committee (FRC):* With 10 to 15 persons of whom two-thirds are to be Scheduled Tribes and at least one-third should be women [Rule 3(1)].
- The Gram Sabha is to intimate the Sub-Divisional Committee (SDLC) the details of the persons decided by the FRC to be its chairperson and secretary [Rule 3(2)].

- **Claim Collection & Verification**

- Call for claims [Rule 4(1)(a)]. Forms as per Annexure-I.
- The Gram Sabha is to request and obtain necessary assistance from the various authorities of the State [Rule 4(3)]
- Gram Sabha or FRC can **submit a written request** to the SDLC for information- **Rule 6(a) & (b), Rule 12(4)** of FRA Rules
- Information that can be requested includes: Forest Rights Act details; Flora and fauna to be protected,  GOVERNMENT OF INDIA MINISTRY OF FOREST AND ENVIRONMENT NATIONAL FOREST RIGHTS COMMISSION relating to rights, Prior recorded rights and Clarifications on related matters
- GS may extend 3-month period [Rule 11(1)(a)].
- The Gram Sabha shall also consider claims of pastoralists, transhumant and nomadic communities that fall within the traditional and customary boundary of the village which may be assisted by the DLC [Rule 12B(2)].
- There are no deadlines or time limits for filing of claims.
- The District Level Committee shall facilitate the filing of claims by pastoralists, transhumant and nomadic communities as described in clause (d) of sub-section (i) of section 3 before the concerned Gram Sabhas. [Rule 12B(2)].
- FRC verifies and maintains records [Rule 11(2)].
- Use multiple evidences [Rule 13(1), (2), (3)].

Multiple Evidences – For Determination of FR

- **Rule 13(1) – Evidence for Individual Forest Rights (IFRs)**

(a) Public Documents & Govt. Records: (b) Govt.-Authorised Documents (Voter ID, Ration Card, Domicile Certificates etc) **(c) Physical Attributes:** (Houses, huts, bunds, check dams, levelling work) **(d) Judicial Records:** Court orders and judgments

- **Additional Evidence for IFRs:** (a) **Research Documentation:** Customs and traditions by institutions like Anthropological Survey of India; (b) **Records from Princely States:** Privileges, concessions, forest use records; (c) **Traditional Structures:** Wells, sacred groves, burial grounds; (d) **Genealogical Evidence:** ; earlier land records or village residency (e) **Oral Testimonies:** Statements by village elders, written and documented.

Evidences for determining rights required. (Rule 13(1-3))

- **Evidence for “Community Rights**
- (a) community rights such as nistar by whatever name called;
- (b) traditional grazing grounds; areas for collection of roots and tubers, fodder, wild edible fruits and other minor forest produce; fishing grounds; irrigation systems; sources of water for human or livestock use, medicinal plant collection territories of herbal practitioners;
- (c) remnants of structures built by the local community, sacred trees, groves and ponds or riverine areas, burial or cremation grounds;
- (d) Government records or earlier classification of current reserve forest as protected forest or other village common lands, nistari forests
- (e) Earlier or current practice of traditional agriculture.

Claims in Form B (Community rights) and Form C (CFR rights) [Rule 11(4)].

- **Community Forest Resource (CFR)**
- The Gram Sabha would initially demarcate the boundaries of the community forest resource as defined in Section 2(a) of the Act for the purposes of filing claims for recognition of forest right under Section 3(1)(i) of the Act.
- Rule 12(1)(f): delineate the customary boundaries of the community forest resource with other members of the Gram Sabha including elders who are well versed with such boundaries and customary access.
- Rule 12B(4) In case where no community forest resource rights are recognized in a village, the reasons for the same shall be recorded by the Secretary of the District Level Committee.

Dispute Resolution: Overlapping Community Claims under FRA Rules

Initial Conflict Resolution :When conflicts arise between two or more Gram Sabhas over: Community rights or Community Forest Resource (CFR) rights

Forest Rights Committees (FRCs) of the concerned Gram Sabhas must: Meet jointly; Examine the nature of traditional/customary use ;Submit joint findings to their respective Gram Sabhas (*As per Rule 12(3)*)

If Conflict Persists: If the Gram Sabhas fail to resolve the conflict;; Matter to be referred to the Sub-Divisional Level Committee (SDLC) (*Rule 12(3) Proviso*)

Role of Sub-Divisional Level Committee (SDLC) Under Rule 6(f): SDLC has power to hear and adjudicate disputes between Gram Sabhas regarding nature and extent of any forest rights Under Rule 14(7):

SDLC may: Call for a joint meeting of the concerned Gram Sabhas; Facilitate resolution; If unresolved within 30 days, SDLC shall: Hear all parties and Pass appropriate orders.

Convert forest villages/ old habitations and un surveyed villages in to revenue villages.

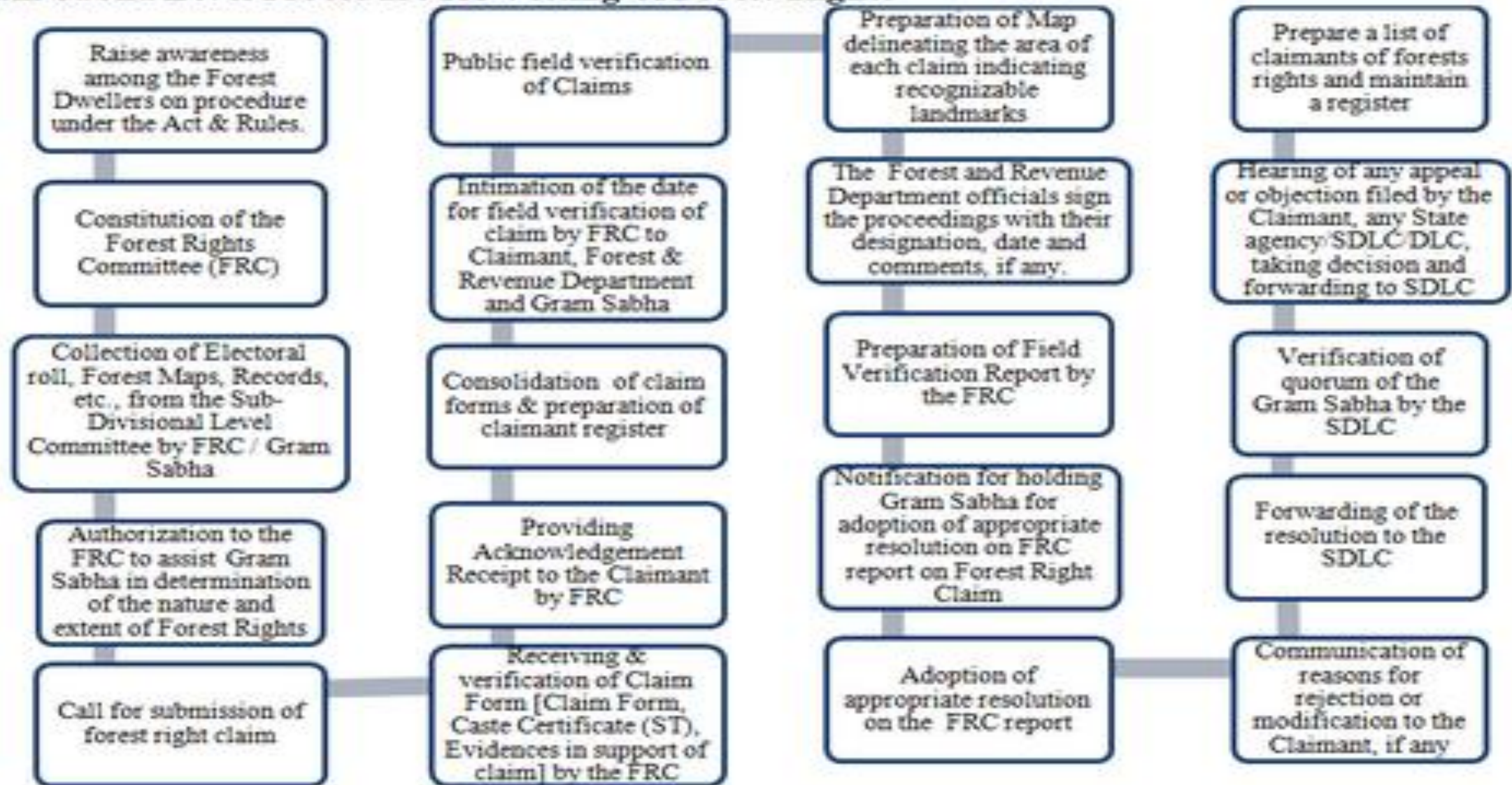
- Ensure legal recognition and settlement under **Section 3(1)(h) of the FRA, 2006**
- Identification of Settlements: Use District Statistical Handbooks and Census Village Directories; Zero revenue land presumed forest village; Issue public notice in Panchayat offices, forest offices, market places; Collector to prepare list of such villages
- Role of Sub-Divisional Committee: Sub-Divisional Officer to: Consolidate hamlets/habitations not part of any village; Include those fitting the definition of forest village under Section 3(1)(h); Forward the list to the District Collector
- Enabling Claims: Collector to ensure: Residents are enabled to claim settlement/conversion: Notice posted in each village/habitation: Describes claim procedure Invites residents to submit claims
- Reporting and Monitoring: District list (with updates) to be sent to: State Level Monitoring Committee (SLMC) SLMC maintains statewide consolidated list ; Progress report (district-wise) to be submitted to Ministry every 3 months
- Procedure for Claim Filing: Claims to be made collectively by the Gram Sabha 3-month time limit after notice is posted; If no claim filed: Collector to depute Tehsildar-level officer to inform and assist community.
- Villages Eligible for Conversion Forest villages, including: Taungya villages (recorded or unrecorded) Fixed Demand Holdings

Habitat Rights- Particularly Vulnerable Tribal Groups(PvTGs)

- **1. Definition of Habitat – Section 2(h)**
- "Habitat" includes customary habitats in reserved/protected forests.
- Applicable to Primitive Tribal Groups (PTGs), Pre-Agricultural Communities, and other forest-dwelling Scheduled Tribes.
- **2. Rights under Section 3(1)(e)**
- Recognition of community tenures of habitat and habitation.
- Specifically for PTGs and Pre-Agricultural Communities.
- **3. Verification of Habitat Rights – Rule 12(d), RoFR Rules 2012**
- Claims for habitat rights must be verified **in presence** of community representatives or traditional institutions.
- **4. Role of District Level Committee – Rule 12(B)(1)**
- Ensure habitat rights to all **Particularly Vulnerable Tribal Groups (PVTGs)**.
- Must act in consultation with traditional institutions of PVTGs.
- Facilitate filing of claims before the **concerned Gram Sabhas**, recognizing the **floating nature** of some Gram Sabhas.

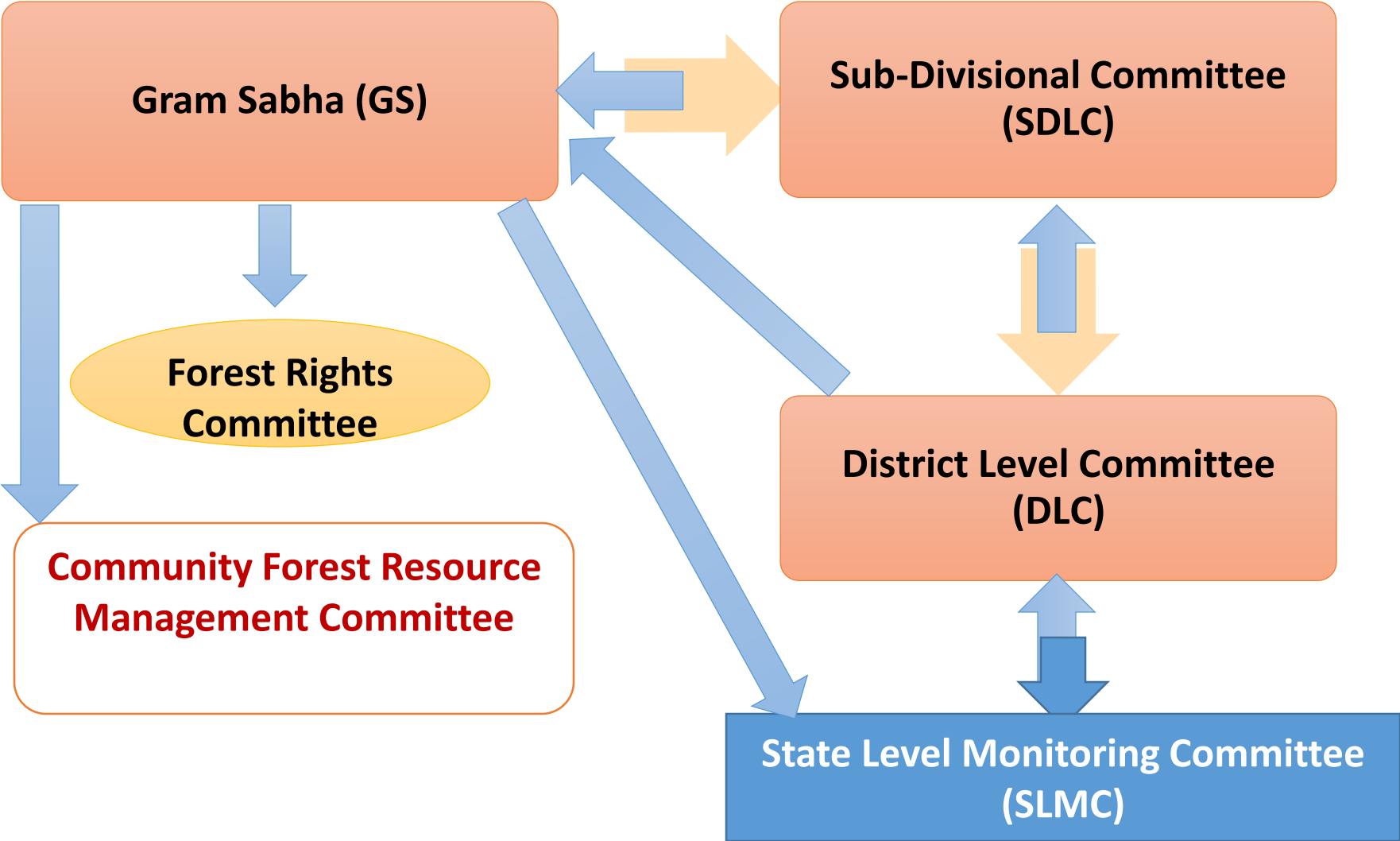
Processing Claims

Gram Sabha Level Procedure for Vesting of Forest Rights



- Role of Gram Sabha in Claim Process: Maintain records of claimants [Rule 4(1)(b)]; Prepare a list of forest rights claimants; Maintain a register with claim details as per Govt. orders
- FRC Recommendations and Gram Sabha Resolutions: On receiving FRC findings: Gram Sabha must announce a meeting with prior notice [Rule 11(5)]; Consider and pass resolution on each claim; Forward resolutions to Sub-Divisional Level Committee (SDLC)
- Ensuring Transparency and Fairness: Opportunity to be heard: Gram Sabha must allow interested persons and authorities to comment before making decisions [Rule 4(1)(c)]
- Communication of Decisions: If a claim is modified or rejected: Decision must be communicated to the claimant personally enabling him/her to file appeals within 60 days, extendable up to 90 days [Rule 12A(3)]
- Conflict of Interest and Limitations: FRC members must recuse themselves if: They are claimants themselves [Rule 3(3)]
- FRC cannot reopen claims: That were already decided prior to 2012 amendments [Rule 3(4)]

Institutional Mechanism



Review, Re-verification & Grievance Redressal under FRA Rules

Re-verification by FRC if Dept. Officials Absent : Rule 12A(2)

If Forest/Revenue Dept. rejects claims citing non-participation in field verification: FRC to conduct second verification; Must inform department of the date

If department again fails to attend, then: Gram Sabha's decision is final

Grievance Redressal by Gram Sabha: Rules 14(1) to 14(5)

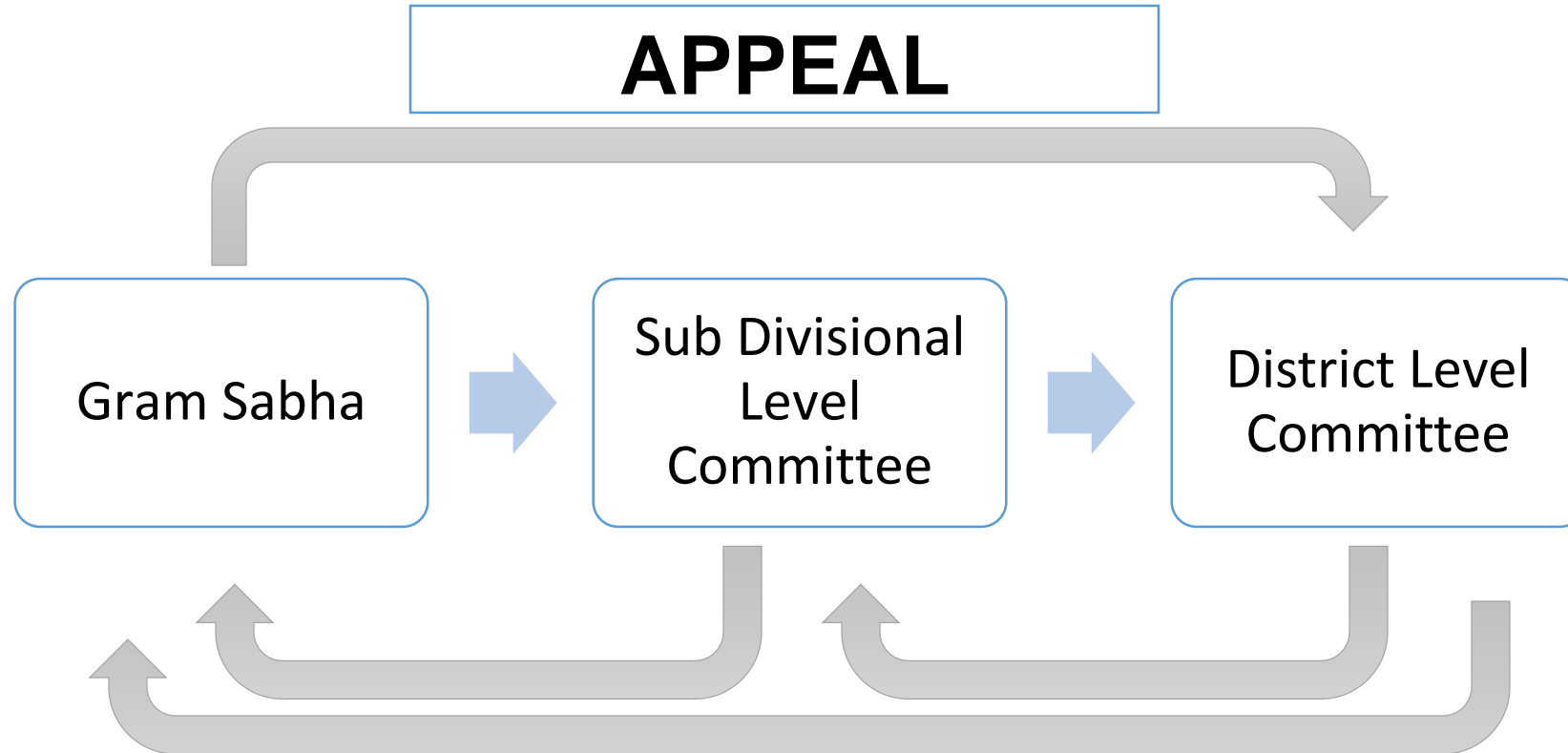
When SDLC refers a grievance petition related to Gram Sabha resolutions:

Gram Sabha must: Hear the petitioner and Pass a resolution within 30 days

Grievance Against SDLC Decision: Rules 15(4) & 15(5)

If grievance is against SDLC's decision: SDLC (on DLC's initiative) must: Hear both the petitioner and Gram Sabha; Forward its decision to DLC for appropriate orders.

Institutional Mechanism



Communication of Rejected/Modified Claims under FRA Rules.

1. Gram Sabha's Duty to Inform Claimants: Rule 12A(10)

If Gram Sabha modifies or rejects any claim: It must inform the claimant(s) of the reasons in detail; Applies to individual, community, or Gram Sabha-level claims.

2. SDLC/DLC Must Also Inform Claimants: Rule 12A(10) : If SDLC or DLC modifies/rejects a claim approved by the Gram Sabha: They must communicate specific reasons to the claimant(s)

3. When DLC Rejects Claims Approved by SDLC: Rule 12A(7) : If DLC rejects a claim that was approved by SDLC (with or without modifications):

The DLC must inform the claimants about the detailed grounds of rejection.

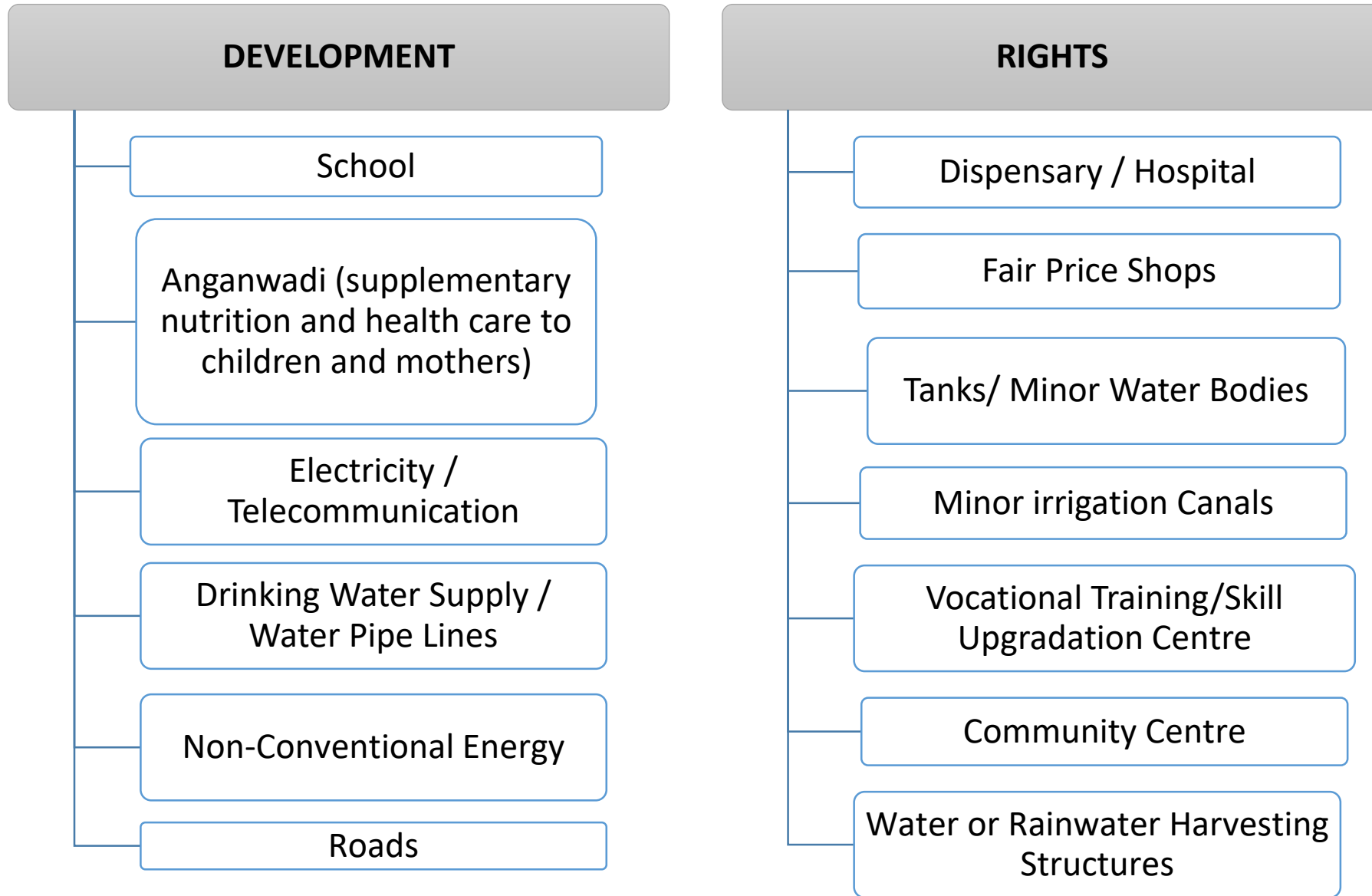
Receipt & Distribution of Forest Rights Titles

1. Gram Sabha to Receive Certified Copies :Rule 8(h)
Gram Sabha must receive: Certified copy of the Record of Forest Rights (RoFR) and title; From the District Level Committee (DLC); In formats as per: Annexure II & III – for individual and community rights;
2. Annexure IV – for Community Forest Resource (CFR) rights under Section 3(1)(i)
3. Ensuring Claimants Receive Titles: Rule 8(i)
Gram Sabha must: Ensure individual and community claimants receive certified copies of their approved forest rights titles
4. Public Availability of Claim Status: Rule 8(i)
Gram Sabha must: Ensure status of all claims (approved, rejected, pending) is available at the village level; Promotes transparency and community awareness.

Transfer of Forest Rights Titles.

- Transmission of Forest Rights Titles to Lawful Descendants: Section 4(4) of the RoFR Act, 2006: Rights are heritable but not alienable or transferable.
- Titles should be: Jointly in name of spouses, if married; In the name of single head if unmarried; Passed on to next-of-kin in absence of direct heir.
- Departmental Clarification: Rights under RoFR Act can be transferred to lawful descendants after the death of the original holder.; Legal Heir Certificate from Revenue Department is mandatory; Process to follow existing revenue land title transfer norms (e.g., Webland/Jirayat).
- Required Documentation : Original RoFR Title Deed of deceased.; Legal Heir Certificate (from competent Revenue Authority).; Aadhaar of deceased and legal heirs.; Draft Title Deed in names of legal heirs.; Circulation to District Officers for signatures.

Forest Rights Act 2006



Gram Sabha's Role in Diversion of Forest Land under FRA for Public Facilities.

1. Authority to Approve Diversion : As per Section 3(2) of FRA Gram Sabha is the statutory authority to: Determine and recommend diversion of forest land; For 13 types of village-level public facilities
2. Land and Tree Limits :Maximum diversion: 1 hectare per project; Maximum felling: 75 trees per hectare
3. Prerequisite for Proposal Submission: The User Agency / Department can submit a project proposal only after: Receiving Gram Sabha's recommendation for forest land diversion

Prohibition of Eviction under FRA

1. Prohibition of Eviction : FRA strictly prohibits eviction until rights recognition and verification are completed. : Section 4(5) of FRA:

- No member of a forest dwelling Scheduled Tribe (FDST) or Other Traditional Forest Dweller (OTFD) shall be evicted or removed from forest land until the FRA process is complete.; The provision is absolute and begins with “Save as otherwise provided”, strengthening its overriding effect.

2: Legal Basis for Protection : Section 4(1) of FRA: Automatically recognizes and vests forest rights in eligible FDSTs and OTFDs.

- Therefore, no eviction can be conducted lawfully unless the entire recognition process is completed.; Protection is granted even during pending or disputed claims.

3: Role of State Laws in Eviction: Once FRA procedures are fully completed and if rights are not recognized:

- Eviction, if any, must follow procedures under relevant state laws.
- States must ensure compliance with due process and human rights safeguards.

4: Supreme Court Position on Eviction : W.P. (C) No. 109/2008 – Wildlife First vs. Union of India

- Supreme Court order dated 28.02.2019:
 - Put on hold its earlier eviction order (dated 13.02.2019).
 - Reinforced protection against eviction for claimants under FRA.

Gram Sabha's Role in Protection & Management of Forests and Biodiversity

1. Powers of Gram Sabha.

Gram Sabhas are empowered to: (a) Protect: Wildlife; Forests; Biodiversity; Catchment areas, water sources, and ecologically sensitive zones; (b) Regulate access to Community Forest Resources (CFR) and: Stop destructive activities affecting forests, wildlife, and biodiversity.

2. Constitution of Conservation Committee: Rule 4(1)(e)
Gram Sabha to constitute a committee to: Protect wildlife, forests, and biodiversity; Work under the control of the Gram Sabha

3. Conservation & Management Plan: Rule 4(1)(g)
Committee to: Prepare a CFR conservation and management plan; Plan to ensure equitable and sustainable use of resources; Plan must be approved by Gram Sabha

4. Integration into Forest Department Plans: Rule 4(1)(f)

Forest Department must: Incorporate the CFR management plan; Into their official working or management plans

Minor Forest Produce

The Conservation and Management Committee constituted by the Gram Sabha under Rule 4(1)(e) is to make decisions on transit permits, and use of income from the sale of forest produce [Rule 4(1)(g)].

This Committee is to issue transit permit for transportation of minor forest produce [Rule 2(1)(c)] Rule 4(1):

The Gram Sabha shall -

Rule 4(1) (g) Approve all decisions of the committee pertaining to issue of transit permits, use of income from sale of produce, or modification of management plans .

Inviolable Areas & Resettlement

1. Free, Prior, and Informed Consent for Resettlement: Rule 4(1)(d) of FRA and Sec. 38V(5)(v) & (vi) of WLPA, 1972 (amended 2006)

Gram Sabha must give written 'free informed consent' for: Proposed resettlement packages in areas designated as: Critical Wildlife Habitats (CWHs); National Parks and Sanctuaries; Package must ensure secure livelihood for affected communities

2. Consent for Critical Tiger Habitats: Sec. 38V(5)(ii) of WLPA, 1972
Identification of Critical Tiger Habitats requires: Consent of Scheduled Tribes (STs) and Other Traditional Forest Dwellers (OTFDs)

3. Pre-Conditions for CWH Declaration : Sec. 4(2) & 4(5) of FRA; Sec. 38V(5)(iii) of WLPA :CWH declaration only after: Recognition of all forest rights; Proof that co-existence options are not feasible; No relocation without due process and consent

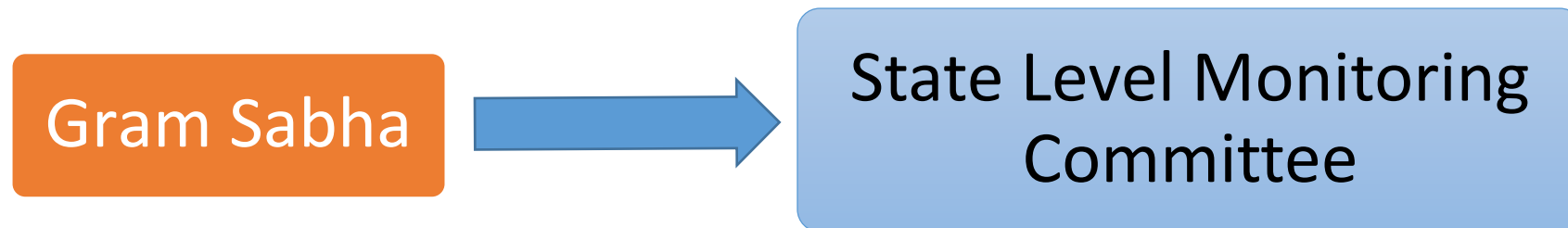
4. Consultation on Tiger Reserve Buffer Zones; Sec. 38V(4)(ii) of WLPA
Government must: Consult Gram Sabha before constituting Buffer Areas of a Tiger Reserve; Gram Sabha to consider and respond to such proposals.

Institutional Mechanism

OFFENCE

Section 7 and 8

- Any authority violating any provision is an offence
- The accused is to prove innocence
- The aggrieved or Gram Sabha to issue notice to State Level Monitoring Committee for action against the accused
- Action within 60 days [Also Rule 10(d)]
- If no action, approach court.



Action against Violations

1. Gram Sabha's Power to Take Action Against Violations :Section 8 of FRA
Gram Sabha may: Pass a resolution against any authority violating FRA provisions; Serve 60-day notice to the State Level Monitoring Committee (SLMC)

2. Legal Follow-up : If SLMC does not act within 60 days:

The Gram Sabha or the complainant can: File a case in the court of law

3. Complaints Against Gram Sabha: If Gram Sabha is the respondent:
Complainant must: Issue notice to SLMC; Wait 60 days before initiating legal action

4. Offences Under FRA: Section 7 of FRA:

Any official who violates the provisions of FRA commits an offence

5. Protection Against Forced Eviction: SC/ST (Prevention of Atrocities) Act, 1989 (as amended 2014)

Dispossession of forest rights of ST/SC dwellers without: Consent; Or through threat/fabrication of records; Constitutes a criminal offence under this Act

Thank
you!

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