forest rights act

a field guide

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Vasundhara is a research and policy advocacy group that works on environment conservation and sustainable livelihood issues. The organisation was initially conceived to support and strengthen community-based initiatives to protect and conserve forests in the state of Orissa. Over the years, while working and retaining its focus on community forestry, Vasundhara has developed a more explicit focus on the sustainable livelihood of the marginalised sections. We are also embarking on a more direct action on different environmental and biodiversity conservation issues. The interface of conservation and livelihoods now forms the core of its interventions.

**WWF-India**

WWF-India is one of India’s largest conservation organizations. Its mission is to stop the degradation of the planet’s natural environment, which it addresses through its work in biodiversity conservation and reduction of humanity’s ecological footprint. It engages multiple stakeholders in an inter-disciplinary approach to address these issues.
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Foreword

The enactment of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of forest rights) Act, 2006 has brought to the forefront the recognition of tribal rights and empowerment of forest-dwelling communities. We appreciate the intentions of the Act, which aims to achieve forest conservation through the recognition of tribal rights and equitable distribution of rights, responsibilities and benefits as well as ensure livelihood security of the forest dependent communities.

The WWF India coordinated programme on “People and Protected Areas” is working with local communities who depend on forest resources for their sustenance. It was thus felt necessary that the programme creates awareness about the new Act as well as bring to the forefront the conservation provisions embedded in it. Pursuing the Department of Science and Technology’s, Science for Equity, Empowerment and Development division’s commitment towards the larger society and in particular the vulnerable and deprived sections of society especially the tribal communities, it was decided to bring out a field guide on Forest Rights Act which will simplify the various steps in this Act to clarify, inform and also demystify the various provisions of the Act and its Rules.

All the sections are specifically designed for community leaders and process facilitators of Peoples Networks, Civil Society Organizations and Government Departments.

This publication is an outcome of contributions from our partners in the field. Special thanks must go to Shri Tushar Dash, Ms Sweta Mishra and Mr. Y. Giri Rao from Vasundhara, Bhubneshwar who have painstakingly read the Act and studied the ongoing implementation so that they could simplify and list out the steps. Thanks also go to Ms. Vishaish Uppal and Ms. Priya Gupta from WWF India for editing the document and for inputs provided by Mr. Sunil K. Agarwal from SEED, DST.

I am sure that this guide will be an important step towards more effective implementation in the true spirit of the law.

Dr. Vinita Sharma
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Background

India has had a history of enacting policies for conservation that have been far reaching and often ahead of their time. However, these measures for biodiversity conservation have not always been easy to implement due to various reasons. One of these is the issue of community access and rights over natural resources, which has had a long and complex history.

Prior to independence, forests were viewed as crown lands and extensive tracts of forests were declared as reserved forests which were managed largely for commercial use. The process of declaring reserve forests led to extinguishing the traditional rights of the forest dwelling communities (tribal and non-tribal). After independence, the setting up of a network of Protected Areas without properly settling rights further alienated communities and led to conflicts with the authorities. In the absence of clearly defined property rights, millions of forest dependent families living in or around forest land have been perceived as encroachers or illegal occupants. Not surprisingly therefore, such areas have witnessed serious conflicts over land and forest rights.

The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 attempts to redress some of these issues regarding community access to and control over natural resources. While this Act is primarily seen as one which will benefit local communities, and many conservationists fear that it will lead to further degradation of the remaining forest areas of the country, the Act also provides an avenue to bring in some positive approaches in management of our natural resources including:

- Providing an opportunity to democratise the nature of forest management by bringing in multiple stakeholders
- Giving importance to the needs of local communities over industry
- Mandating that Critical Wildlife Habitats, once declared cannot to be diverted subsequently for any other use

Due to limited awareness about the laws amongst many stakeholders, many are misused by vested interests to exploit poor and marginalized people. Thus it is crucial for people to understand the scope and implications of various provisions of existing laws.

The main purpose of bringing out this field guide is to facilitate this process so that the implementation of the Act can be carried out in the true spirit of the law.

The guide attempts to simplify various provisions of ‘The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 and the Rules made under the Act to enable interested stakeholders to understand and make use of it.

The focus has been on some of the important provisions of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006. These include the Procedure for Formation of Forest Rights Committee,
Roles and Responsibilities of Forest Rights Committee, Process of Claim Submission and Verification, Importance of Maintenance of Records by the Gram Sabha, Joint Verification, and Roles and Responsibilities of Sub-Divisional Level Committees and District Level Committees. We hope this guide would help the communities and process facilitators in understanding and using the various provisions of the Act.

We feel that proper implementation of the Act will ensure long-term ecological security of the nation and have a positive impact on forest conservation and forest dependent communities, especially tribal groups.
Rationale for the Forest Rights Act and its Rules

The Forest Rights Act recognizes and vests forest rights in the Scheduled Tribes and other traditional forest dwellers who have been residing in forests for generations but whose rights could not be recorded. It provides for a framework for recording of the forest rights so vested and the nature of evidence required for such recognition and vesting in respect of forest land.

The Forest Rights Act is a means to address some of the pressing issues affecting livelihoods and conservation. By securing tenurial and access rights and giving local community a stake in conservation, it aims to:

- Ensure livelihood and food security of the forest dependent communities;
- Provide for basic developmental facilities for the forest villages;
- Provide legal recognition to community conservation initiatives thereby strengthening traditional conservation practices that protect some of the critical ecosystems of the country;
- Protect traditional knowledge and intellectual property relating to biodiversity and cultural diversity;
- Protect customary rights of the forest communities;
- Empower communities to protect, conserve and manage forest and biodiversity;
- Conserve the common forest and biodiversity resources accessed by the community which are threatened by destructive activities;
- Establish institutions at the community level, empowered for conservation and management of natural resources, thereby strengthening conservation governance at the grassroots.

The Rules have also been formulated and enacted to facilitate and ensure an effective implementation of the Act. Various States and Nodal Agencies have also issued guidelines to clarify issues and promote better understanding of the Act and its Rules.
The Forest Rights Act recognizes and secures Community Rights or rights over Community Forest Resources of the communities in addition to their Individual Rights. Recognition of community rights is a landmark step which is expected to empower the communities to assert their rights over community forest resources which are critical for their livelihood. The Act also recognizes rights of vulnerable groups such as primitive tribal groups (PTGs), nomadic and pastoralist communities whose rights are not protected till date. While providing for forest rights of the community, the Act also ensures their right to protect and conserve the community forest resources, a significant step to enable Community Conservation Initiatives in the country and strengthen the diverse processes of protection and conservation of biodiversity, hitherto unrecognized by the government. The typology of rights provided under the Act and their importance are given below. (See annexure 1&2)

Types of Forest Rights Recognized

The Act recognizes rights of individual or common occupation of forest land (Section 3(1) (a)) by forest dwelling Scheduled Tribes and other traditional forest dwellers for habitation or for self-cultivation for livelihood. Recognition of rights on occupation of forest land is a step towards stemming the process of marginalization of the community arising due to tenurial insecurity.

Community rights conferred by the Act (Section (3) (b, c, d)) include nistar rights, right of ownership over minor forest produce, rights of uses or entitlements such as fish and other products of water bodies, grazing rights and rights of traditional seasonal resource access of nomadic or pastoralist communities.

There are disputed lands in many parts of the country where forest dwelling communities are not able to assert their rights due to the disputed status of the forest land. This Act provides for rights in and over disputed land (Section 3 (1) (f)) in the State.

People who have received pattas, leases or grants over forest land issued by any local authority or any State government will have the rights for conversion of these pattas or leases or grants on forest lands to titles (Section (3) (1) (g)).

The Act provides for rights of settlement and conversion of all forest villages, old habitation, unsurveyed villages and other villages in forests, whether recorded, notified or not into revenue villages (Section (3) (1) (h)).

Note

A right conferred in the Act shall be heritable but not alienable or transferable.
Rights over Cultural Heritage

There are number of forest communities known as primitive tribal groups living in different parts of the country who share a distinct socio-economic and cultural life woven around the forest and biodiversity. The cultural integrity and socio-economic well being of these communities is intricately linked to forest resources. Taking this into account, the Forest Right Act provides for recognition of rights of Community Tenures of habitat and habitation for primitive tribal groups and pre-agricultural communities (Section (3) (1) (e)) which will help in strengthening the cultural heritage of these endangered communities. The Act also recognizes traditional or customary rights of the forest dwelling communities (Section (3) (1) (j)).

Rights over Protection and Conservation of Biodiversity and Intellectual Property Rights

An important provision in the Act (Section (3) (1) (i)) is the right to protect, regenerate or conserve or manage any community forest resource which the communities have been traditionally protecting and conserving for sustainable use. Right of access to biodiversity and community right to intellectual property and traditional knowledge related to biodiversity and cultural diversity (Section (3) (1) (k)) is also recognized under the Act.

Rights of Displaced Communities

Forest dwelling Scheduled Tribes and other traditional forest dwellers, who have been illegally evicted or displaced from forest land of any description without receiving their legal entitlement to rehabilitation prior to the 13 December, 2005 will get rehabilitated as the Act has provisions (Section (3)(1)(m)) for right to in situ rehabilitation including alternative land for these deprived people. The Act also includes right of land (Section 4 (8)) to forest dwelling communities who can establish that they were displaced from their dwelling and cultivation without land compensation due to State development interventions, and where the land has not been used for the purpose for which it was acquired within five years of the said acquisition.

Rights for Basic Facilities

The Act has provisions (Section 3 (2)) for securing rights of forest dwelling communities over developmental activities such as health and educational facilities, fair price shops, electric and telecommunication lines, tanks and other minor water bodies, drinking water supply and water pipelines, water or rain water harvesting structures, minor irrigation canals, non-conventional sources of energy, skill upgradation or vocational training centers, and roads. In this
case some pre-conditions are that the development projects are to be managed by the Central government only after the Gram Sabha recommends these. Only Central government shall divert forest land for these facilities. Felling of trees for development of these facilities can not exceed seventy-five trees per hectare.
Provisions in the Act which Strengthen Conservation

Rights inclusive of conservation: The preamble of the Forest Rights Act informs that the recognized rights of the forest communities include responsibility and authority for sustainable use, conservation of biodiversity and maintenance of ecological balance thereby strengthening the conservation regime of the forests while ensuring livelihood and food security of the Scheduled Tribes and other traditional forest dwellers. This means that rights are inclusive of responsibilities and authority for conservation of forests and biodiversity.

Sustainable use: Sustainability is the qualifying principle in the exercise of forest rights. The component of ‘Sustainable use’ is integrated into the recognized rights provided in the Forest Rights Act. ‘Sustainable use’ of resources is defined in the Act as per clause (o) of Section 2 of the Biological Diversity Act, 2002 which states that “sustainable use” means the use of components of biological diversity in such manner and at such rate that does not lead to the long term decline of the biological diversity thereby maintaining its potential to meet the needs and aspirations of present and future generations.

Declaration of Critical Wildlife Habitat in National Parks and Sanctuaries: The Act provides for identification and declaration of areas within National Parks and Sanctuaries which are to be kept inviolate for the purpose of wildlife conservation. The Act also specifies that such areas will not be subsequently diverted by the State or the Central government for any entity or any other uses. In such areas there is a provision for modifying rights or resettling of forest rights holders (Section 4 (2)).

Right of conservation of community forest resources: Section 3 (1) (i) of the Act provides for right to protect, regenerate or conserve or manage any community forest resource which they have been traditionally protecting and conserving for sustainable use.

Duties towards conservation: Section 5 of the Act empowers the holders of forest rights, Gram Sabha, and village level institutions to:
• protect the wildlife, forest and biodiversity;
• ensure that adjoining catchment areas, water sources and other ecological sensitive areas are adequately protected;
• 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;
• 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.

**Constitution of Committee:**
In order to enable the functioning of the authorities empowered under Section 5, of the Act, the Gram Sabha is required to constitute Committees for the protection of wildlife, forest and biodiversity under Rule 4 (e).

**Right based framework for conservation; way forward:**
The Forest Rights Act for the first time recognizes and secures rights for conservation of community forest resources. Along with the rights, it also empowers the communities and Gram Sabhas to carry out the function of conservation.

Rights and duties provided under the Act could be used to-

- Secure recognition of community conservation initiatives;
- Develop community plans for conservation of forest and wildlife;
- Mainstream community conservation plans in the existing conservation governance process thereby democratizing resource governance and ensuring greater participation of communities in the conservation process.

**Steps towards right based conservation:**
- In this process it is important to claim the right to protect, regenerate or conserve or manage any community forest resources which the communities have been traditionally protecting and conserving for sustainable use under Section 3 (1)(i).
- Gram Sabha is to be convened for discussion on Section 5 and for formation of committees under Rule 4 (e) to carry out the function of protection and conservation. Resolution needs to be adopted after formation of Committees, a copy of which can be shared with the government authorities at the SDLC or DLC level.
- Committees formed under Section 5 can develop community plans for conservation of forest and biodiversity and for sustainable use of resources. These plans may focus on the following:
  - Status of forest and biodiversity in the community forest resource and adjoining areas of the village;
  - Status of other natural resource like water bodies;
  - Livelihoods, specific resource use
  - Identification of pressure and threats (internal and external);
  - Conservation and protection initiatives required to be taken at the village level to deal with the threats to forest and biodiversity;
  - Sustainable livelihoods and resource use plan;
  - Plan for integrated use of provisions of laws like NREGA, PESA and also government development programs like watershed development, soil conservation, agriculture. All these should include conservation activities planned out by the community to ensure productive use of the conservation initiatives for resource development and for creating gainful employment.
Advocacy to mainstream community conservation plan in the conservation governance process is required to make necessary changes in the existing conservation plan and programs so as to bring about convergence and synergy.
Process of Recognition of Rights

The Forest Rights Act provides an empowering and participatory framework for recording of rights over forest land/resources. The Act vests primary authority in the Gram Sabha to initiate the process of determining rights. The Gram Sabha, as conceived in the Act, is a village assembly of members of communities at the village with adequate representation of women. The institution of Gram Sabha is brought closer to the forest communities with the definition of the village which means, a) any village or hamlet in a scheduled area as per the PESA, b) villages in non-scheduled area as referred to in State government’s law relating to panchayats, c) forest villages, old habitation or settlements and unsurveyed villages and d) any traditional villages in case of States where there are no panchayats.

The Gram Sabha plays a pivotal role by initiating the process of determining rights by receiving claims, consolidating and verifying them and forwarding them to the Sub-Divisional Level Committee. The process of determination of rights at the Gram Sabha is followed by further scrutiny at the Sub-Divisional Level Committee which examines the claims and prepares a draft record of forest rights which is then forwarded to the District Level Committee. The DLC is the final authority which examines if all the claims are considered by the authorities as per the objective of the Act, considers and finally approves the claims. The committees at the Sub-Divisional and District level are represented by members of Panchayati Raj institutions who should be member of any forest communities and should include women.

The process of determination of rights by Gram Sabha is important in that it-
- Adds to decentralization of governance;
- Empowers the actual resource dependents to decide their rights;
- Provides a participatory platform by not only involving the community but also representatives of the Panchayati Raj institutions and the government officials from important line departments like Revenue, Forests, Tribal and Social Welfare.

**Note**
Save as otherwise provided, no member of a forest dwelling Scheduled Tribe or other traditional forest dweller shall be evicted or removed from forest land under his occupation till the recognition and verification procedure is complete.
Role of Authorities under FRA

Determination of Rights (Section 6)

Gram Sabha: Section 6 (1)

The Gram Sabha is the authority to initiate the process for determining the nature and extent of individual or community forest rights or both that may be given to the forest dwelling Scheduled Tribes and other traditional forest dwellers within the local limits of its jurisdiction under this Act by receiving claims, consolidating and verifying them and preparing a map delineating the area of each recommended claim. This is to be done in such a manner as may be prescribed for exercise of such rights and the Gram Sabha shall, then, pass a resolution to that effect and thereafter forward a copy of the same to the Sub-Divisional Level Committee.

Gram Sabha

As per Section 2 (g) of the Forest Rights Act, “Gram Sabha” means a village assembly which shall consist of all adult members of a village and in case of States having no panchayats, padas, tolas and other traditional village institutions and elected village committees, with full and unrestricted participation of women.

- The Gram Sabhas are to be convened by the Gram Panchayat

- Quorum of the Gram Sabha should not be less than two thirds of all members of the Gram Sabha.

- In case of heterogeneous population of Scheduled Tribes and non-Scheduled Tribes in any village, the members of the Scheduled Tribes, primitive tribal groups (PTGs) and pre-agricultural communities should be adequately represented in the Gram Sabha.

Functions of the Gram Sabha: (Rule 3,4,11) are to

1. Elect from amongst its members, a committee of not less than ten but not exceeding fifteen persons as members of the Forest Rights Committee.

2. Initiate the process of determining the nature and extent of forest rights, receive and hear the claims relating thereto.

3. Specifically the Gram Sabha has to:
   - Call for claims and authorize the Forest Rights Committee to accept the claims which should be made within a period of three months from the date of such calling of claims along with at least two of the evidences as prescribed in Section 13 of the Rules; extend, if considered necessary, the period of three months for submission of claims after recording the reasons thereof in writing;
   - Fix a date for initiating the process of determination of its community forest resource and intimate the same to the adjoining Gram Sabhas where there are substantial overlaps, and to the Sub-Divisional Level Committee;
• Ask for necessary information, records or documents from the government authorities;
4. Prepare a list of claimants of forest rights and maintain a register containing such details of claimants and their claims;
5. Consider findings of the verification made by the FRC and to pass appropriate resolutions on claims for forest rights and forward the same to the Sub-Divisional Level Committee;
6. Ensure resolution of conflicting claims in respect of the traditional or customary boundaries of another village or if a forest area is used by more than one Gram Sabha. For this the Forest Rights Committees of the respective Gram Sabhas are to call a joint meeting to consider the nature of enjoyment of such claims and submit the findings to the respective Gram Sabhas in writing. If the Gram Sabhas are not able to resolve the conflicting claims, then it should be referred by the Gram Sabha to the Sub-Divisional Level Committee for its resolution.

**Forest Rights Committee**

The Forest Rights Committee consists of ten to fifteen members elected by the Gram Sabha in its first meeting. The FRC is required to have:

* At least one-third members who should be the Scheduled Tribes;
* Not less than one-third of such members should be women;
* Provided further that where there are no Scheduled Tribes, at least one third of such members should be women.

**The Forest Rights Committee assists the Gram Sabha in its functions to**

1. Receive, acknowledge and retain the claims in the specified form and evidence in support of such claims;
2. Prepare the record of claims and evidence including maps;
3. Prepare a list of claimants of forest rights;
4. Verify claims as provided in the Rules;
5. Present their findings on the nature and extent of the claim before the Gram Sabha for its consideration.
Sub-Divisional Level Committee

The Sub-Divisional Level Committee is constituted by the State government with the following members:

- Sub-Divisional Officer or equivalent officer - Chairperson;
- Forest Officer in charge of a Sub-Division or equivalent officer - member;
- Three members of the Block or Tehsil level Panchayats to be nominated by the District Panchayat of whom at least two shall be the Scheduled Tribes preferably those who are forest dwellers, or who belong to the primitive tribal groups and where there are no Scheduled Tribes, two members who are preferably other traditional forest dwellers, and one shall be a woman member; or in areas covered under the Sixth Schedule to the Constitution, three members nominated by the Autonomous District Council or Regional Council or other appropriate zonal level, of whom at least one shall be a woman member;
- An officer of the Tribal Welfare Department in-charge of the Sub-Division or where such officer is not available the officer in-charge of the tribal affairs.

The functions of the Sub-Divisional Level Committee are to

1. Provide information to each Gram Sabha about their duties and duties of holder of forest rights and others towards protection of wildlife, forest and biodiversity with reference to critical flora and fauna which need to be conserved and protected;
2. Provide forest and revenue maps and electoral rolls to the Gram Sabha or the Forest Rights Committee;
3. Collate all the resolutions of the concerned Gram Sabhas;
4. Consolidate maps and details provided by the Gram Sabhas;
5. Examine the resolutions and the maps of the Gram Sabhas to ascertain the veracity of the claims;
6. Hear and adjudicate disputes between Gram Sabhas on the nature and extent of any forest rights;
7. Hear petitions from persons, including State agencies, aggrieved by the resolutions of the Gram Sabhas;
8. Co-ordinate with other Sub-Divisional Level Committees for inter-subdivisional claims;
9. Prepare block or tehsil-wise draft record of proposed forest rights after reconciliation of government records;
10. Forward the claims with the draft record of proposed forest rights through the Sub-Divisional Officer to the District Level Committee for final decision;
11. Raise awareness among forest dwellers about the objectives and procedures laid down under the Act and in the Rules;
12. Ensure easy and free availability of proforma of claims to the claimants;
13. Ensure that the Gram Sabha meetings are conducted in a free, open and fair manner with the requisite quorum.
District Level Committee

The District Level Committee is constituted by the State government with the following members:

- District Collector or Deputy Commissioner - Chairperson;
- Concerned Divisional Forest Officer or concerned Deputy Conservator of Forest - member;
- Three members of the District Panchayat to be nominated by the District Panchayat, of whom at least two shall be the Scheduled Tribes preferably those who are forest dwellers, or who belong to members of the primitive tribal groups, and where there are no Scheduled Tribes, two members who are preferably other traditional forest dwellers, and one shall be a woman member; or in areas covered under the Sixth Schedule to the Constitution, three members nominated by the Autonomous District Council or Regional Council of whom at least one shall be a woman member;
- An officer of the Tribal Welfare Department in-charge of the district or where such officer is not available, the officer in charge of the tribal affairs.

The functions of District Level Committee are to

1. Ensure that the requisite information under clause (b) of Rule 6 has been provided to the Gram Sabha or Forest Rights Committee;
2. Examine whether all claims, especially those of primitive tribal groups, pastoralists and nomadic tribes, have been addressed keeping in mind the objectives of the Act;
3. Consider and finally approve the claims and record of forest rights prepared by the Sub-Divisional Level Committee;
4. Hear petitions from persons aggrieved by the orders of the Sub-Divisional Level Committee;
5. Co-ordinate with other districts regarding inter-district claims;
6. Issue directions for incorporation of the forest rights in the relevant government records including record of rights;
7. Ensure publication of the record of forest rights as may be finalized;
8. Ensure that a certified copy of the record of forest rights and title under the Act, as specified in Annexures II and III of the Rules, is provided to the concerned claimant and the Gram Sabha respectively.
State Level Monitoring Committee

The State Level Monitoring Committee (SLMC) is constituted by the State government with the following members:
- Chief Secretary - Chairperson;
- Secretary, Revenue Department - member;
- Secretary, Tribal or Social Welfare Department - member;
- Secretary, Forest Department - member;
- Secretary, Panchayati Raj - member;
- Principal Chief Conservator of Forests - member;
- Three Scheduled Tribes member of the Tribes Advisory Council, to be nominated by the Chairperson of the Tribes Advisory Council and where there is no Tribes Advisory Council, three Scheduled Tribes members to be nominated by the State government;
- Commissioner, Tribal Welfare or equivalent who shall be the Member-Secretary.

Functions of the State Level Monitoring Committee are to

1. Devise criteria and indicators for monitoring the process of recognition and vesting of forest rights;
2. Monitor the process of recognition, verification and vesting of forest rights in the State;
3. Furnish a six monthly report on the process of recognition, verification and vesting of forest rights and submit to the nodal agency such returns and reports as may be called for by the nodal agency;
4. On receipt of a notice as mentioned in Section 8 of the Act, take appropriate actions against the concerned authorities under the Act;
5. Monitor resettlement under sub-section (2) of Section 4 of the Act.

Grievance and Appeal {Section 6 (2, 4)}

Any person aggrieved by the decision of the authorities regarding recognition of rights can appeal to the higher authorities and the authorities are required to hear and dispose such petitions.

Gram Sabha, in case of reference by the SDLC on any appeal against the resolution passed by it, is required to meet within a period of thirty days, hear the petitioner, pass a resolution on that reference and forward the same to the Sub-Divisional Level Committee.

SDLC, in case of an appeal by any claimant against the resolution of the Gram Sabha, is required to consider and dispose of the petition as per the procedure laid down in Rule 14. The SDLC has to ensure that no such petition is disposed of against the aggrieved person, unless he has been given a reasonable opportunity to present his case.

DLC, in case of an appeal by persons aggrieved by the orders of the SDLC, is required to consider and dispose of such
Dealing with Offences and Penalty (Section 7, 8)

This section provides that if any authority or Committee or officer or member of such authority or Committee contravenes any provision of this Act or any rule made thereunder concerning recognition of forest rights, then it, or they, shall be deemed to be guilty of an offence under this Act and shall be liable to be proceeded against and punished with fine which may extend to one thousand rupees.

Gram Sabha is required to monitor the process of determination of rights and to issue notice of not less than sixty days to the SLMC regarding any action by any authority or officials which contravenes the provisions of the Act and Rules. The Gram Sabha can move any court if the SLMC fails to take any remedial steps.

SLMC is required to play a proactive role in monitoring the process of determination of rights and to initiate prompt action on the notice/information provided by the Gram Sabha or any claimant on violation of provisions of the law concerning recognition of forest rights.

Diversion of Forest Land for Development Facilities (Section 3 (2))

Gram Sabha has to recommend a development project for which diversion of forest is required. Section 3 (2) provides for diversion of forest land for development facilities managed by the government. For implementation of the provisions of Section 3 (2), the MoTA has laid down a procedural guideline.

As per Section 3 (2), the clearance of developmental projects is subject to the condition that the same is recommended by the Gram Sabha. Only the Central government shall divert forest land for these facilities. Felling of trees for the development of the facilities can not exceed seventy-five trees per hectare.

Declaration of Critical Wildlife Habitat (Section 4 (2))

Section 4 (2) provides for an open and consultative process for declaration of Critical Wildlife Habitats in the Sanctuaries and National Parks.

Gram Sabha has to Actively monitor and engage in the process of declaration of CWH considering the procedural requirements and the necessary consultations thereof.

Consider resettlement packages under clause (e) of sub-section (2) of Section 4 of the Act and pass appropriate resolutions in case of a requirement for modification or resettlement of
Authorities Empowered for Protection and Conservation (Section 5)

Section 5 of the Act empowers the holders of any forest right, Gram Sabha and village level institutions in areas where there are holders of any forest right under this Act to-

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

The functions of the authorities to ensure implementation of the provisions under this section are described below.

Gram Sabha is required to 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.

SDLC is required to provide information to each Gram Sabha about their duties and duties of holder of forest rights and others towards protection of wildlife, forest and biodiversity with reference to critical flora and fauna which need to be conserved and protected.

SLMC has to
Monitor resettlement under sub-section (2) of Section 4 of the Act.
Steps for Individual Rights Claim Process

The Gram Sabha shall call for claims and authorise the FRC to do the following:

- FRC to prepare the record of claims and evidences along with the list of claimants
- FRC meeting for fixing date and time for claim verification
- Site visit, physical verification of claims and preparation of maps
- Consolidation of findings and preparation of verification report
- Final approval of findings/verification report by Gram Sabha
- Forwarding of Gram Sabha resolution on claims to SDLC
- Preparation of final maps delineating the area of each claim indicating recognizable landmarks
- Sharing of verification report with Gram Sabha and interested persons and authorities concerned
- Intimation to claimant and the forest/revenue department regarding date of field verification
- FRC to initiate verification process
- Accept, acknowledge and retain claims and evidence in support of such claims

The Gram Sabha shall call for claims and authorise the FRC to do the following:
Process of Claim Verification

What is Verification?

Section 6 (1) of the Act empowers the Gram Sabha to initiate the process for determining the nature and extent of individual and community forest rights of the forest dwelling Scheduled Tribes and other traditional forest dwellers by receiving claims, consolidating and verifying them and preparing maps delineating the area of each recommended claim.

Rules 11 (2) (iv) and 12 of the Act provides the process of verification. According to this provision, the Forest Rights Committee is required to initiate the process of verification of claims on individual and community forest rights mentioned in Section 3 of the Act.

Responsibility for Verification

The Forest Rights Committee, constituted by the Gram Sabha, is responsible for initiating the process of verification of claims on behalf of Gram Sabha after due intimation to the concerned claimants and the Forest Department. If a member of the FRC is also a claimant then during the time of verification he/she shall inform the committee and shall not participate in the verification process.

Time Frame for Verification

The process of verification by Forest Rights Committee starts after submission of claims of forest rights to the Forest Rights Committee and preparation of record of claims and list of claimants by the FRC. There is no time frame prescribed in the Act for initiation and completion of the verification process.
Steps for Claim Verification of Individual Rights

**Step – 1**

*Preparation of Record of Claims and Evidence by the Forest Rights Committee*

1. The consolidation of claims can only take place after the expiry of the last date of the submission of claim forms as fixed by the Gram Sabha.
2. Before the preparation of a consolidated report of claims received, FRC should ensure that all the claimants have submitted their claim forms.
3. FRC should prepare a tabular format for consolidation of information provided by the claimants in the form.
4. During the preparation of the consolidated report, if it is found that some of the claimants have not signed/not duly filled up the claim form/not annexed the documents/evidence as required under the Act/Rule, the claimant should be asked to furnish all the required information/document and if necessary, helped in filling up the form or in collecting requisite information/documents.
5. FRC should collect the village map, RoR, forest map (RF, DPF, PF), which would help in identifying the forest land or status of land for which the claimants have applied. The village map and RoR are available in the Tehsil Office and the forest map is available in the Divisional Forest Office (DFO).

**Requirement**
- Claim Forms
- White Paper
- Format for Record of Claims

**Step – 2**

*FRC to Initiate the Claim Verification Process*

1. Secretary of FRC, in consultation with the Chairperson FRC, would fix a date for FRC meeting.
2. Due intimation to all FRC members for the meeting needs to be given by Chairperson/Secretary FRC (‘due intimation’ includes issuance of notices to each member). See annexure 3 for sample notice.
3. The purpose of the meeting, date, time and venue needs to be specified while intimating the FRC members.
4. Signature from each member needs to be taken after intimation.

**Requirement**
- Notice Book
**Step – 3**  
*Forest Rights Committee Meeting for Fixing of Date and Time for Claim Verification*

The Chairperson/Secretary of FRC should:  
1. Ensure attendance of all the members of FRC.  
2. Share the purpose of the meeting along with the consolidated report, prior to the meeting.  
3. Share any conflicting claims or cases with the members, which would help in strategizing the verification process.  
4. Fix date and time for claim verification.  
   • While fixing date and time for claim verification, ensure that the date and time suits all claimants.  
   • Ensure that there is at least a ten to fifteen day gap between the date of issuance of notice and date of verification (for both the claimant and FD/Revenue).  

Kindly note that:  
• It is not necessary to complete the verification process in a day.  
• If the number of claimants is more, groups can be made and accordingly date and time can be fixed for each group.  
• During the consolidation of claims, if any conflicting cases are found, like more than one person applying for a single patch of land, then either same or separate dates should be fixed for those claimants and their views should be listened separately and tried to be resolved.  
5. Share the decision taken in the meeting before conclusion of the meeting and ensure that all the members who have attended the meeting have signed the register (attendance register/proceedings book).

**Requirement**  
- FRC Meeting Register  
- Intimation Letter/Notice (see annexure 4)  
- Consolidated Report of Claims (see annexure 5)  
- Claim Forms

**Step – 4**  
*Due Intimation to Claimants and the Forest Department*

The Chairperson/Secretary of FRC should:  
1. Intimate all the claimants regarding the decision taken in the FRC meeting.  
2. Share the purpose of verification and inform them about the date and time fixed for verification.  
3. Take signature in the notice book after intimating the person.  
4. Inform the DFO and SDLC with due process (such as through a letter) and send a copy to the SDLC (see annexure 6).  
5. Keep a copy of the letter sent to the SDLC in the record file.

**Requirement**  
- Notice Book  
- Letter Dispatch Register  
- Record File
Step – 5
Site Visit, Physical Verification of Claims and Preparation of Maps

The FRC should:

1. Ensure that before moving for field verification, all records like claim forms, consolidated report, village map, forest map, RoR, white paper/note book, are with the verification team.

2. Ensure attendance of all the claimants to whom notices have been served including FD and Revenue Department.

3. Share the purpose with the claimants and representatives of the authorities concerned (FD/Revenue), before moving for field verification and demarcation.

4. Visit each site and verify the nature of the claim. With help of cadastral village map/RoR/forest map, assess whether the claim made is on forest land or not.

5. Record the extent of total area claimed if the land is forest land; if the land is not forest land, then intimate the claimant and record the finding.

6. Inform the claimant and make the necessary changes if the area claimed does not match with the area as mentioned in the claim form.

7. Collect further evidence or record from the claimant and witnesses during physical verification.

8. Prepare the map delineating the area of each claim indicating identifiable marks (such as East, West, South and North, location of the land etc).

9. Either write the name of the claimant or give a number and mention that number on the claimant form, which would later help in identifying the land, or tag the sketch map with the claim form after the preparation of the map.

10. Record findings/field observations such as physical attributes of the claims like improvements made to the land (including levelling, bunds, check dams etc.), traditional structures (like wells, burial grounds, sacred places etc.), while carrying out physical verification. This is most essential as these observations would also act as evidence for the claimant.

11. Write the details in the note book or a white paper or in the claimant register before moving for the next verification.

12. Complete the physical verification of all the claimants as per the process cited above.

Requirement

- White Paper, Pen/Pencil
- Note Book (Claimant Register)
- See annexure 7
- Record of claims prepared by the FRC (as mentioned in Step 2)
- Claim Forms along with the evidence
Step – 6
Preparation of Final Maps Delineating the Area of each Claim Indicating Recognizable Landmarks and Verification Report

The FRC should:

1. Prepare a rough sketch map after the field verification is complete, indicating the area claimed by each claimant - its location, total area, name of the claimant etc..
2. If maps are available, write the plot number of each claimed area. Please mark clearly if the forest land is located inside the village boundary. In case the forest land is with the Forest Department, please write the local as well as legal name and number(s) of the plot.
3. Mention the name of claimant against the plot number as mentioned in the sketch map, in the index.
4. Finalize the observation made during the field verification and record the findings properly.
5. Either write the observation/findings in the remark column of consolidation report or in a separate note or in the claimant register (a sample page of a claimant register is given in annexure 7).
6. Prepare a final verification report on the findings.

Requirement
- Drawing Sheet/White Paper
- Claimant Register
- Maps (Cadastral and Forest Map)
- RoR

Note
The Forest Rights Committee has to ensure that claims from pastoralist and nomadic tribes, primitive tribal groups or pre-agricultural community are verified when such individuals, communities or their representatives are present during the verification process.
Convening of Gram Sabha

Determination of Community Forest Rights (Nature and Extent)

If the Community Forest Rights area is not overlapping with any other Gram Sabha:
- Verification of Community Forest Rights area after due intimation to Forest Department & SDLC
- Physical verification of Community Forest Rights area and boundary demarcation with clearly recognizable land marks

If the area is used by more than one village:
- Verification of Community Forest Rights area after due intimation to Forest Department, SDLC and concerned Gram Sabha (FRC)
- Joint Verification for determination of nature and extent of rights and boundary demarcation with clearly recognizable land marks
Sharing in the Gram Sabha and passing of resolution for sharing with interested persons and concern authorities

Passing of common resolution after joint verification on common agreeable points and sharing a copy with the FRC of respective village(s)

Sharing of Community Forest Rights verification report with interested persons and concerned authorities

Final approval by Gram Sabha after giving reasonable opportunity to interested persons and concerned authorities

Forwarding of Gram Sabha resolution on community claims to SDLC
Community Forest Resource

Process for Determination of Community Forest Resource

Convening of Gram Sabha

Determination of Community Forest Resource (Nature and Extent)

If the CFR area is not overlapping with any other Gram Sabha

Verification of CFR area after due intimation to Forest Department & SDLC

Joint Verification of CFR boundary demarcation with clearly recognizable landmarks

If the CFR area is substantially overlapping with other Gram Sabha

Verification of CFR area after due intimation to Forest Department, SDLC and concerned Gram Sabha (FRC)

Joint Verification of CFR boundary demarcation with clearly recognizable landmarks
Physical verification of CFR boundary with clearly recognizable land marks

Passing of common resolution after joint verification on common agreeable points and sharing a copy with the FRC of respective village(s)

Sharing in the Gram Sabha and passing of resolution for sharing with interested persons and concerned authorities

Final approval by Gram Sabha after due consideration of inputs/comments given by interested persons and concerned authorities

Submission of claims of CFR to SDLC
Steps to Determine Community Forest Rights and Rights over Community Forest Resources

Relevant Provisions in the Forest Rights Act and Rule

Community Forest Rights
Community rights conferred by the Act (Section (3) (b, c, d)) include nistar rights, right of ownership over minor forest produce, rights of uses or entitlements such as fish and other products of water bodies, grazing rights and rights of traditional seasonal resource access of nomadic or pastoralist communities.

Right over Community Forest Resources
Section 3(1) (i) of the Act provides for right to protect, regenerate or conserve or manage any community forest resource which the communities have been traditionally protecting and conserving for sustainable use.

As defined in Section 2(a) of the Act

Part 1 - Pre-Claim Process
The Gram Sabha shall fix a date for initiating the process of determining the Community Forest Rights and CFR claims.

Preparation for claim
1. Determination of the nature and extent of Community Forest Rights and CFR within the traditional or customary boundary of the village.
   • Preparatory village meeting for determination of community forest resources.
   • Determination/delineation of customary common forest land within traditional or customary boundaries of the village or seasonal use of landscape in the case of pastoralist communities in the village meeting.

‘Community Forest Resource’ means customary common forest land within the traditional or customary boundaries of village or seasonal use of landscape in the case of pastoralist communities, including reserved forests, protected forests and Protected Areas such as Sanctuaries and National Parks to which community had traditional access.

Section 5 (d) provides that the holders of forest right, Gram Sabha and village level institutions in areas where there are holders of forest right under the Act are empowered to 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, forests and the biodiversity are complied with.
collect information and evidence to establish their traditional access to forest land.

Note: Traditional access of the community and traditional protection of forest should form the basis for determination of CFR. Care should be taken by the community and the Gram Sabha to ensure that the CFR rights should include the interest and need of dependent communities and vulnerable groups such as women and should not exclude any community.

Evidence to be collected for determination of traditional access and community forest resources are as follows,

1. Community rights such as nistar by whatever name called;
2. 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;
3. Remnants of structures built by the local community, sacred trees, groves and ponds or riverine areas, burial or cremation grounds.

Documentation of the community protection and conservation of community forest resources along with the nature of dependence should be collected.

Finding out if there is any overlapping of Community Forest Rights/CFR areas with other villages.

Part 2-Claim Process

In case there is no overlapping
1. Determination of community forest resource in Gram Sabha: According to sub-rule 1(b) of Rule 11, the Gram Sabha shall fix a date for initiating the process of determination of its community forest resource.
2. Claim making: In Gram Sabha, the details of the community forest resources like the nature and extent of CFR are to be discussed along with evidence collected in support. Then on behalf of the Gram Sabha, the FRC is entrusted to prepare claim(s) on right of CFR in Form B. Evidence collected on CFR to be provided to the FRC for use in the claim. See annexure 8 for Form B.

In case there is overlapping
1. Intimation for determination of community forest resource in Gram Sabha: According to sub-rule 1(b) of Rule 11, the Gram Sabha shall fix a date for initiating the process of determination of its community forest resource. The date for determination is to be intimated by the concerned Gram Sabha to adjoining Gram Sabhas and the SDLC. See annexure 9.
2. Initiating determination of community forest resource in the Gram Sabha: The CFR area of the concerned villages are to be marked along with clear marking of area of overlaps. Appropriate resolution to be passed by the concerned Gram Sabha on the decision taken.

Note: As there is no space in Form B for CFR rights under Section 3(1) (i), claim on the right could be made in space provided for other traditional right (6) or in any other information (8).

Preparation of claim for Community Forest Rights/CFR by FRC: Rule 11 (4)
The Forest Rights Committee shall prepare the claims on behalf of Gram Sabha in the prescribed form B. The claim document to be prepared by the FRC should include the following:-
1. For CFR, claim could be made under Section 3(1)(i) in point number 6 (other traditional right, if any) of the claim form provided with the Rules or in point number 8 (any other information). For Community Forest Rights, claims can be made under Section 3(b,c,d) which are prescribed in point number 1,2,3 in the claim form.

2. Details of the community forest resources to be marked out within the traditional or customary boundary.

3. Community management rules or system for protection and conservation of community forest resources already in place (if any) indicating specific uses of these resources.

**Verification of claim (see detailed steps in the following section)**

1. Fixing up date for verification of CFR after preparation of claim by the FRC.
2. Then according to Rule 12, the FRC would intimate the concerned claimant (in this case the community members) and the Forest Department about the date of verification.
3. Then on the scheduled date, the FRC would visit the site and physically verify the nature and extent of the claim and the evidence on the site (Rule 12 (a)).
4. The FRC then, has to prepare a map delineating the area of each claim indicating recognizable landmarks.
5. As per sub-rule 3 of Rule 12, if there are conflicting claims in respect of the traditional or customary boundaries of another village or if a forest area is used by more than one Gram Sabha, the Forest Rights Committees of the respective Gram Sabhas shall meet jointly to consider the nature of enjoyment of such claims and submit the findings to the respective Gram Sabhas in writing. If the Gram Sabhas are not able to resolve the conflicting claims, it shall be referred by the Gram Sabha to the SDLC for its resolution.

**Recording of findings and presentation in the Gram Sabha**

After the verification of claims, Rule 12 (2) requires the FRC to record its findings on the claim and present the same to the Gram Sabha for its consideration.

**Resolution in the Gram Sabha**

The Gram Sabha shall on receipt of the findings under Rule 11 clause (v) of sub-rule (2), meet with prior notice, to consider the findings of the Forest Rights Committee, pass appropriate resolutions, and shall forward the same to the Sub-Divisional Level Committee. The resolution on the draft claim on community forest resource should clearly mention, i) the community forest resources used and managed by the community within the customary or traditional boundary of the village and ii) the community management system or rules for protection and conservation developed over a period of time by the community, iii) Evidence in support of the claim, including records of earlier meetings/decisions, petitions sent to the government etc..

**Part 3- Management of community forest resources after recognition of rights; Steps to be followed:**

**Formation of Committees under the Act**

1. Section 5 of the Act empowers the holders of rights, Gram Sabha, and village level institutions to protect and manage their own resources/community forest resources and also to stop any activity which could
adversely affect their natural and cultural heritage.

2. Rule 4 (e) provide that the Gram Sabha shall constitute Committees for the protection of wildlife, forest and biodiversity, from amongst its members, in order to carry out the empowered provisions of Section 5 of the Act.

3. Community conservation groups who are involved in conservation of forest and wildlife, after establishing their right over community forest resources under the due process suggested above, would transform to bodies who shall have the authority and responsibility to carry out protection and conservation of the resources according to their own traditional management practices.

4. In many areas there are already resource management groups (like Community Forest Management areas in Orissa, Community Conserved Area Management Committees in Arunachal Pradesh) where the systems of management have traditionally evolved and where these groups or committees have wider acceptance at the village level. So under the Act, these resource protection groups could be considered by the Gram Sabha for protection and conservation of resources.
   - Communities have to start preparation for the process under Section 5.
   - Preparation to include formalization of the existing forest/wildlife protection.
   - Documenting community plan for sustainable management of community forest resources which might include community protection initiatives or rules, plan for sustainable use of forest and biodiversity resources etc..

5. Ideally the committees formed under the Forest Right Act, being legally empowered, should have supremacy over pre-existing committees constituted by administrative orders for performing the same task. In the case of other legally constituted bodies like Biodiversity Management Committees, the Gram Sabha should develop mechanisms for coordinating with them.
Steps to be followed for Verification of Community Forest Rights/Community Forest Resources

**Step 1**

**Preparatory Meeting of FRC for Gram Sabha**

The Chairperson/Secretary of FRC should:
1. Issue notice for FRC meeting.
2. Ensure attendance of all members in the meeting.
3. Fix the date and time for Gram Sabha for determination of community rights.
4. Record the proceedings in the proceedings book.
5. Ensure signature of all FRC members in the proceedings book.
6. Ensure that there should be at least seven to fifteen days gap between the date of issuance of notice to all adult members and the date of meeting of Gram Sabha.

**Requirement**
- Notice Book
- Proceedings Book

**Step 2**

**Issuance of Notice for Gram Sabha for Discussion and Determination of Community Forest Rights/CFR Areas**

The Chairperson/Secretary of FRC should:
1. Intimate all the adult members of the Gram Sabha regarding the meeting.
2. Share the purpose, venue and time of the meeting to each member.
3. Take signature in the notice book after intimating the person.

**Requirement**
- Notice Book

**Step 3**

**Preliminary Assessment of Community Forest Rights/CFR Areas in the Gram Sabha**

The Chairperson/Secretary of FRC should:
1. Prior to initiation of Gram Sabha, ensure attendance/participation of all the adult members including the PTGs, pastoralists (if, they are residing in the village).
2. Ensure attendance/participation of all adult women and quorum of the Gram Sabha.
3. Share the purpose of the meeting.
4. Discuss on the resource dependency (what, who, how, from where etc.).
5. Record the names of other villages/communities, if they have also been, using/depending on the resource within the same forest boundary along with the nature of dependence.
6. If the village is protecting a forest patch, then try and demarcate the boundary line.
7. If the boundary overlaps with any other village(s), document their name.
8. Prepare a rough sketch map and show the areas of dependency and nature.
of dependency (species used, seasonal use).
9. Ensure involvement of all people, especially MFP gatherers, pastoralists, traditional healers etc..
10. Put the name of the other villages on map, those who have been using/depending on the same forest areas.
11. Prepare claim(s) on community rights by the FRC in Form B.
12. Before closing of Gram Sabha take signatures of all people who participated in the meeting.

**Requirement**
- Proceedings Book
- Claim Form - B

### Step 4
**Pre-preparatory Exercise for Verification of Community Forest Rights/CFR, Demarcation of Traditional/Customary Boundary and Forest Area under Protection**

The Chairperson/Secretary of FRC should:
1. Put all the information gathered in the preliminary meeting of Gram Sabha on the map and finalize the record of claim for community rights.
2. If the boundary overlaps with any other Gram Sabha or any other villages/communities depending on the resource, then prepare a list of such villages.
3. Collect the details of FRCs of concerned villages, especially the name of Chairperson/Secretary, address etc..
4. Issue notice to all overlapping villages/communities depending on the forest area. The notice should contain the purpose, date, time and venue of verification.
5. Issue notice/letter to Forest Department and Revenue Department on verification process with a copy to SDLC. The notice should contain the purpose, date, time and venue of verification.
6. Ensure that there should be at least fifteen to twenty five days gap in between the date of issuance of notice and date of meeting for verification.

**Requirement**
- Proceedings Book
- Sketch map
- Pen/Pencil
- Notice Book

### Step 5
**Field Verification and Demarcation of Community Forest Rights/CFR Areas**

The Chairperson/Secretary of FRC should:
1. Ensure attendance of all representatives to whom notices are served.
2. Before moving for field verification and demarcation, share the purpose with the representatives (FD/Revenue/other villages).
3. Take help of the elderly people, if necessary.
4. Show them the rough sketch map prepared in the Gram Sabha and explain the details to them.
5. Respond to any query they have.
6. Move to the area along with the representatives of other villages including FD and Revenue Department.

7. During demarcation, put recognizable landmarks (like nala, road, tree, stone, trek paths) on the sketch map, so that in future it can be easily identified.

8. After completion of verification, sit with all representatives and document the rights/access which is agreeable to everybody.

9. Pass a resolution on the common agreement and ensure signature of all persons who participated in the process and give signed copy to each village.

10. Prepare proceedings on verification process and get signatures from all the members who participated in the verification process.

**Requirement**
- Sketch Map
- Forest Map
- Cadastral Map
- Proceedings Book

**Step 6**

**Preparation of Verification Report**

The Chairperson/Secretary of FRC should:

1. Issue notice for FRC meeting.

2. Invite people other than the FRC members who participated in verification process.

3. Ensure participation of all FRC members including women.

4. Prepare a final report based on the discussions held at Gram Sabha (step 4) and joint verification.

5. Finalize the sketch map.
   - Name of the areas should be mentioned on the map (local name, or RF/PF/DPF name);
   - Show the resource use areas with name;
   - Demarcate the boundary with known or identifiable landmarks;
   - Mention the name of the areas on the blank side of the map or use an additional paper to write the resource use pattern (what is being collected, when and its usage);
   - Overlapping areas should be shown in the Community Forest Rights/CFR map with the local name;
   - Mention the name of other villages/communities, those have been using or depending upon the resource;

6. Collect the required evidences in support of the claim. Some of the evidences might be:
   - Kendu leaf card
   - Sacred places/tree/groves
   - Ponds
   - Old structures
   - Government implemented programs
   - Resolution copies of forest protection
   - Portions from working plan or management plan of FD
   - Any other

7. Fix a date for sharing of Community Forest Rights and CFR in the Gram Sabha.

8. Before concluding the meeting, ensure signature of all the members who attended the meeting.

**Requirement**
- Proceedings Book
- Notice Book
- Joint Verification Report
- Sketch Map
- Pencil/Pen
Post Verification and Determination of Forest Rights Claim Process

Step 1
Intimation to all the Members of Gram Sabha for Sharing Verification Report

The Chairperson/Secretary of FRC should:
1. Intimate all the adult members of the Gram Sabha including women.
2. Share the purpose, venue and time of the meeting to each member.
3. Take signature in the notice book after intimating the person.

Requirement
• Notice book

Note
Ensure prior to intimating the Gram Sabha, all the required formalities have been completed like final verification report, claimant forms (A&B), consolidated report, joint verification report, proceedings copy of first Gram Sabha, copies of notices issued at various times, evidences, maps (both Individual Claim map and CFR map) etc.

Step 2
Sharing of First Draft Verification Report in the Gram Sabha

The Chairperson/Secretary of FRC should:
1. Ensure attendance of all the adult members including the PTGs, pastoralists (if, they are residing in the village), prior to initiation of Gram Sabha.
2. Ensure that attendance of all adult women and other requisite formalities are fulfilled like quorum.
3. Share the purpose of the meeting.
4. Present claim verification report.
   • In case of individual claim: share how many claims were received, how the verification was carried out, observation made during field verification, number of claims disqualified, reasons for disqualification (if any);
   • In case of Community Forest Rights/CFR: Share how the process was initiated, number of meetings held, persons presented, types and nature of claims, share the joint verification report, common agreements, if joint verification was not held then why, share the CFR map and explain the contents of CFR map, share the extent and nature of dependency of other villages, findings;
   • Any other issues (like non attendance of other villages, non availability of forest and other scaled maps and etc.).
5. Give adequate opportunity to the individuals, communities or resource dependent groups for presenting their view.
6. If anyone was left out and his/
her name cropped up during the discussion or any suggestions come in the process, please record it.

7. Before adoption of first draft report, if any conflicting issues come up or suggestions, please present it before the Gram Sabha and take a final decision.

8. In the resolution it should be mentioned that the Gram Sabha has authorized the FRC to share the summary report with the interested persons and concerned authorities.

9. Share the summary of decision taken, before concluding the meeting.

**Requirement**

- Proceedings Book
- Verification Report along with the Sketch Map(s)
- Claim Forms

### Step 3

**Sharing of Report with Interested Persons and Authorities Concerned**

1. Rule 4 (c) mentions that the Gram Sabha has to give reasonable opportunity to interested persons and authorities concerned, prior to submission of final report on forest rights claim to SDLC.

2. As there is no clarification regarding interested persons and authorities concerned, the draft report should be sent to Forest Department, Revenue Department and other villages who have been using or depending upon the resources.

3. The report should carry a covering letter requesting them for their suggestions and feedback specifying the deadline for submitting the suggestions and feedback to Gram Sabha in writing.

4. The sketch map and summary of the individual claims should be put up in a central place of village for opinion of the villagers.

5. The final Gram Sabha should only be convened after the deadlines for submitting the suggestions and feedback is over.

**Requirement**

- Dispatch Register
- White Paper (for Writing Letter)
- First Draft Report of Forest Rights Claim as adopted in the Gram Sabha
  - Consolidated Report of Individual Claim
  - Sketch Map of Individual Claim with Community Forest Rights Claim along with the Sketch Map

### Step 4

**Intimation to Gram Panchayat for Convening Final Gram Sabha**

The Secretary of the Gram Sabha should:

1. After completion of the time period, write a letter to the Gram Panchayat for convening a final Gram Sabha with a date, time and venue.

2. Make sure that the Gram Panchayat has issued a letter in this regard.

3. After issuance of notice by Gram Panchayat for the final Gram Sabha, ensure that the information has
reached to all adult members.
4. Based on the notice issued by Gram Panchayat, FRC can issue a letter to all adult members.
5. Share the purpose of the meeting, date, time, venue and take signature from each adult member of the Gram Sabha.

**Step 5**
**Final Gram Sabha for Adoption and Submission of Report**

The Secretary of the Gram Sabha should:
1. Prior to commencement of Gram Sabha meeting, ensure attendance of all the adult members including the PTGs, pastoralists (if they are residing in the village).
2. Ensure the attendance of all adult women and fulfill other requisite formalities like quorum.
3. Share the purpose of the meeting.
4. Present the suggestion(s)/comment(s) and/or feedback received from any interested person or authorities concerned.
5. Give opportunity to persons residing in the Gram Sabha to voice their opinion.
6. If anything new comes up, then try to resolve it at the Gram Sabha level or take necessary action for any change or modification in the final report.
7. Adopt a unanimous resolution in support of the report prepared by the FRC.
8. In the resolution, it should be mentioned that Gram Sabha has authorized the FRC/Panchayat Secretary to submit the final report on forest rights claim to SDLC.
9. Submit the report to SDLC, either through Panchayat Secretary or a person authorized by the Gram Sabha.
10. Before concluding the meeting, share the summary of decisions taken and take signatures of all the members who attended the Gram Sabha.

**Requirement**
- Letter to Gram Panchayat for convening of the final Gram Sabha for adoption of final Forest Rights Claim Report
- Notice Book
- Proceedings Book
- Verification Reports (both Individual and Community Claims)
- Sketch Map
**Final Report**

Before submission of final forest rights claims to SDLC, the Gram Sabha should ensure that the followings documents are submitted:

1. Letter to SDLC.
2. Copy of final resolution adopted in Gram Sabha (ensure signature of all the adult members who attended the meeting).
3. Consolidated forest rights claim report (individual/Form – A).
4. Verification report (individual claims)
5. “A” Form(s).
6. “B” Form(s).
7. Community Forest Rights/CFR claim report, including the area under protection and management by the communities.
8. Sketch map.
   - If two separate maps are prepared, one for individual claim and the other for Community Forest Rights/CFR claim, then both the maps should be submitted.

**Important Note**

- Keep copies of all the documents along with the forwarding letter sent to SDLC in Gram Sabha
- Keep all records in a safe place so that in future it would help in resolving any issues/conflict
Process for Conflict Resolution

Intra Village Conflict due to Conflicting Claims

The FRC should:
1. In case of conflicting claims, identify and prepare a list where claims on a particular forest/resource is overlapping with different claimants as mentioned in the pre-preparatory work.
2. Discuss this matter in the FRC meeting and develop strategy for resolving the issue at the village level.
3. Take help of elderly persons or record the view of elderly persons, if necessary.
4. Either call all the claimants and discuss the matter at the time of field verification.
5. Or, give separate dates to each claimant.
6. Record the view of each claimant.
7. Ask more evidences or information during physical verification or call elderly person during verification.
8. Document each process adopted for the resolution of conflicting claims.
9. Share the observation(s) made during the verification process at the Gram Sabha meeting, if the conflict is not resolved at that point of time.

Requirement
- Claim Forms of Conflicting Claims
- Consolidated Report
- Details of Conflicting Areas (Nature of Conflict)

Inter Village Conflict due to Conflicting Claims

1. The FRCs of the villages having conflict over claims should intimate each other with due process (like letter or notice).
2. Intimation letter should specify the purpose of joint meeting, date, venue and time.
3. If the proposed time or date is not convenient to other village(s), a mutually agreeable date, time and venue should be fixed.
4. The concerned FRCs should also invite the elderly persons of that area, who can share the past history and help in resolving the issue at local level.
5. The FRCs should discuss the issues in the joint meeting and try to resolve it.
6. If the issue is resolved in the joint meeting then decisions taken for resolution of conflict should be written down and duly signed by all the members attending the meeting and a copy should be shared with them.
7. The findings of the joint meeting should be submitted to the respective Gram Sabhas in writing.
8. If Gram Sabhas are not able to resolve the conflicting claims then they should refer the cases to SDLC for resolution. While forwarding it to SDLC, they should mention in brief about the conflict and attach the letter issued for conflict resolution and copy of the proceedings. See annexure 10.

Requirement
- Claim Forms of Conflicting Claims
- Consolidated Report
- Details of Conflicting Areas (Nature of Conflict)
- Proceedings Book
Grievance and Appeals

What is an Appeal?
Grievance and appeal procedure provides an opportunity to persons aggrieved by a decision taken by the authorities at the Gram Sabha and/or Sub-Divisional Committee on the claims on forest rights to seek redressal. See annexure 11.

Who can Appeal?
Any claimant or community or Gram Sabha or traditional institution or any other person or State agency (Rule 6(g)), who is aggrieved by the recommendation or decision related to the preferred claims by the authorities at the Gram Sabha and/or SDLC constituted under the Act, can appeal against it.

When and to whom can one appeal?
The following flow chart gives an overview of who can appeal, when the appeal can be made and to whom to appeal.
Procedure of Filing an Appeal

Filing an Appeal to the SDLC against Resolution passed by the Gram Sabha

Section 6(1) of the Forest Rights Act gives the authority to the Gram Sabha to initiate the process of determination of the nature and extent of individual and community forest rights or both that may be given to forest dwelling Scheduled Tribes and other traditional forest dwellers, within the local limits of its jurisdiction, by receiving claims, consolidating and verifying them and preparing a map delineating the area of each recommended claim as prescribed. After this, the Gram Sabha would adopt a resolution and thereafter forward a copy of the same to SDLC for further action.

This means that the Gram Sabha is the first authority, who shall receive, consolidate, verify and forward the claims to SDLC supported by a Gram Sabha resolution approving the same. Rules specify that before adopting the final resolution and forwarding it to SDLC, Gram Sabha needs to carry out following activities:

1. Notice for Gram Sabha meeting:
   Gram Sabha would intimate all adult resident, including the claimants about the date, venue, time and purpose of the meeting.

2. Ensure adequate representation of STs, PTGs and pre-agricultural communities:
   In case of heterogeneous villages, where STs, PTGs and pre-agricultural communities are present, Gram Sabha has to take steps for adequate representation from these communities.

3. Quorum of the Meeting:
   The quorum of the meeting is not less than 2/3rd of the total adult members of the village.

4. Sharing of FRC findings in the Gram Sabha:
   The Forest Rights Committee would share its findings and give reasonable opportunity to all the people, including the claimants and other interested persons, to express their views on the same.

5. Adoption of resolution and forwarding it to SDLC:
   After necessary modifications, if any, Gram Sabha would a pass resolution approving the FRC recommendations and will forward the same to the SDLC.

Filing Petition to SDLC against the Decision/ Recommendation of Gram Sabha

Section 6(2) and Rule 6(g) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 empowers an aggrieved person or community or State agency to appeal to SDLC against the decision of Gram Sabha. Rule 14 spells out the procedural details for dealing with such appeals at SDLC level. See annexure 12.
When can the Appeal be Filed?
The aggrieved person or community can file their appeal/petition to SDLC within sixty days (from the date of passing of the resolution by the Gram Sabha).

What should be the Content of the Petition?
The petition needs to clearly spell out in its ‘Heading’ as well as in its ‘Subject’ that it is being filed under Section 6(2) of the Act. The main body of the appeal should detail the basis for filing the petition. A sample copy of the petition is given in annexure 12.

Can an Aggrieved Person or Community directly file their Petition to DLC against the Decision/Recommendation of Gram Sabha?
Under Section 6(4) of the Act, an aggrieved person or community cannot directly file their petition to DLC. It clearly mentions that no petition shall be preferred directly before the DLC against the resolution of Gram Sabha unless the same has been preferred before and considered by the SDLC.

Can an Aggrieved Person or Community of One Gram Sabha file Petition to SDLC against the Decision/Recommendation of another Gram Sabha?
In case of a forest area being used by more than one Gram Sabha, if a person who is residing in one village but is occupying forest land in another village and has claimed a right over it, and if the concerned Gram Sabha has not duly considered his/her claim, that person is an aggrieved person under Section 6(2) of the Act who can appeal to SDLC against the concerned Gram Sabha’s decision. But, it needs to be remembered that the appeal petition should reach the SDLC within sixty days of passing of the resolution by the concerned Gram Sabha.

How can a Person come to know about the Final Resolution passed by the Gram Sabha?
As mentioned already, before passing the resolution, the concerned Gram Sabha must duly intimate all claimants/interested persons, all members of the Gram Sabha and also authorities concerned. In case of overlapping claims where one forest area is used by more than one Gram Sabha, all claimants of such overlapping areas from the concerned villages must be duly intimated by the concerned Gram Sabha before the Gram Sabha meeting. So, as per the law every claimant has the right to due information before Gram Sabha finalizes his/her claims.
Redressal Mechanism at Sub-Divisional Level Committee

Process of Hearing of Petition at SDLC level

The process of hearing the petition would start by the SDLC only after receiving the appeal petition(s) from the aggrieved persons as per the Section 6(2) of the said Act and Rules 6 (f) and (g) of the Rules framed for the Act.

The detailed procedural part for hearing of the petition is laid down in the Rule 14 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2007. But before going to each step for due consideration of petition by SDLC, it needs to be mentioned that as per Section 6(2) of the Act, SDLC cannot dispose of any petition against a claimant without giving reasonable opportunity to the aggrieved person to present his/her case.

As per Rule 14, the petition can be heard in the following 2 ways:

1. Direct hearing of the petition by the SDLC
2. SDLC referring it back to concerned Gram Sabha for reconsideration of its decision in view of the petition.

**Direct hearing of the petition by SDLC**

1. After receiving the petition, SDLC would fix a date for hearing and intimate the petitioner and concerned Gram Sabha in writing as well as through notice at a convenient place in the village of the petitioner at least fifteen days prior to the date of hearing.
2. After hearing the views of both the parties, SDLC may pass an order either accepting or rejecting the petition or sending it back to Gram Sabha for its reconsideration.

<table>
<thead>
<tr>
<th>Process of Hearing of Petition at SDLC level</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date fixation for hearing by the SDLC</td>
</tr>
<tr>
<td>Intimation to the Petitioner and Concerned Gram Sabha through writing</td>
</tr>
<tr>
<td>Issuance of Notice for hearing</td>
</tr>
<tr>
<td>Hearing of both the Parties</td>
</tr>
<tr>
<td>Passing of appropriate order</td>
</tr>
<tr>
<td>15 Days</td>
</tr>
</tbody>
</table>

| 15 Days |
| Intimation to the Petitioner and Concerned Gram Sabha through writing |
| Date fixation for hearing by the SDLC |
| Issuance of Notice for hearing |
| Hearing of both the Parties |
| Passing of appropriate order |

![](image)
Referring back to concerned Gram Sabha for its reconsideration

1. After receiving the petition, SDLC may refer it back to concerned Gram Sabha for its reconsideration.
2. After receiving such reference from the SDLC, Gram Sabha shall meet within a period of thirty days, hear the petitioner, pass a resolution on that reference and forward the same to SDLC.
3. After receipt of resolution from the Gram Sabha, SDLC would consider it and pass appropriate orders, either accepting or rejecting the petition.

Dispute between two or more Gram Sabhas

If a dispute arises between the Gram Sabhas of two or more villages on account of conflicting claims or on account of use of common forest areas, then SDLC either on application by the Gram Sabhas or on its own shall take up the issue and take steps to address the dispute.

Process of dispute resolution
The process of dispute resolution has been prescribed under Rule 14(7) of the Forest Rights Rules, 2007. Under the said Rule, if the dispute is referred by any of the Gram Sabhas or if it is identified by the SDLC on its own, the following procedure would be carried out:

1. Joint Meeting for mutual solution: SDLC has to call a joint meeting of the concerned Gram Sabhas to try to resolve the dispute and to arrive at a
mutually agreed solution.

2. No mutual solution:
   If no mutually agreed solution is reached within a period of thirty days of the Joint Meeting then the SDLC shall decide on the dispute after hearing the concerned Gram Sabhas and pass appropriate orders.

---

**Filing of Appeal to the DLC on Decision/ Recommendation of SDLC**

Section 6(4) of the Act empowers an aggrieved person to appeal to the DLC against the decision of Sub-Divisional Level Committee. Rule 15 of the Rules framed under the Act spells out the procedure for dealing with appeals at DLC level. See annexure 13.

Further, in order to ensure the proper implementation of section 6 (4) of the Act, some States have issued clarifications. For example, the Government of Orissa has issued two circulars on 28th November 2008 and 4th February 2009 respectively. The salient features of the two circulars are as follows:

1. Copy of proceedings of the Gram Sabha should be available with the concerned Panchayat Secretary of the village.
2. SDLC and DLC proceedings should be maintained properly at both the offices.
3. Authenticated copies of the proceedings of SDLC and DLC should be available with the Secretary of Gram Panchayat.
4. SDLC should send an authenticated copy of the proceedings concerning each Gram Sabha with the concerned Gram Sabha through the Secretary of the concerned Gram Panchayat.
5. On receiving copies of the proceedings, the concerned Panchayat Secretary should organize a Gram Sabha of the concerned village and apprise them of the recommendations of the SDLC and DLC.
**When can the Appeal be filed?**

Appeal can be filed at the District Level Committee within sixty days from the date of decision of the Sub-Divisional Level Committee.

**How can a Person or Community or Gram Sabha know about the Decision taken in the SDLC?**

A person or a community or a Gram Sabha can know the status of their claims or the decision taken on their claims from the concerned Gram Panchayat or Panchayat Secretary. According to the circulars issued by the State government, after obtaining the proceeding copies of SDLC/DLC, the concerned Panchayat Secretary would convene a Gram Sabha where s/he will apprise the village members/community about the recommendation/decisions taken by the SDLC/DLC.

**Can Gram Sabha take action against Panchayat Secretary, if s/he is not sharing the Information sent by SDLC or DLC?**

Under Section 7 of the Forest Rights Act, any authority or Committee or officer or member of such authority or Committee contravening any provision of the Act or any rule made thereunder concerning recognition of forest rights shall be liable to be proceeded against and punished with fine which may extend to one thousand rupees. Under Rule 11 (6) of the Forest Rights Rules, 2007 the Panchayat...
Secretary is designated as ‘Secretary to Gram Sabha’. Due to this, Panchayat Secretary comes under the ambit of Section 7 and if s/he does not disclose the information to the concerned Gram Sabha concerning the recognition of forest rights, then Gram Sabha or any member of the Gram Sabha can give a notice against him/her to the State Level Monitoring Committee. If the SLMC does not take any action within sixty days, then the Gram Sabha or any member of the Gram Sabha can file a case against him/her.

**What should be the Role of Gram Sabha after obtaining the Information from Panchayat Secretary on the Recommendation/Decisions of SDLC?**

After obtaining the information, the Gram Sabha needs to go through the report very carefully and see if all the claims verified and forwarded by it have been duly considered by the SDLC as per the objectives of the Act or not. Specifically the Gram Sabha has to see,

1. Whether all the claims including claims of ST, OTFD, PTGs, and nomadic/pastoralist communities have been considered by SDLC.
2. Whether claims for both individual and community rights have been considered by the SDLC.
3. Whether reasons for non-recommendation of any claim have been duly reported by the SDLC and whether such reasons conform with the provisions of the Act.
4. In case the Gram Sabha and claimants are dissatisfied with the recommendation of the SDLC, the Gram Sabha needs to authorize the Forest Rights Committee to file an appeal to the DLC with a proper justification and send the petition along with the resolution passed in the Gram Sabha to that effect.

**If SDLC has Approved most of the Claims and Rejected only a few, should Gram Sabha file Petition at DLC?**

If the Gram feels that as per the provisions of the Forest Rights Act, the claims are genuine then it is the duty of the Gram Sabha to provide all support to the rejected claimants and appeal to the DLC on behalf of the claimants.

**Can the Aggrieved Person along with the Gram Sabha also file Petition at DLC?**

There is no bar in this regard. Both the Gram Sabha and the aggrieved person can file petition at DLC against the order/decision of the SDLC.

**What should be the Content of the Petition/Application?**

The petition needs to clearly spell out at ‘Heading’ as well as at ‘Subject’ that the
The process of hearing the petition would be initiated by the DLC only after receiving the petition(s) from the aggrieved persons as per the Section 6(4) of the said Act and Rules 8 (d) and 15(1) of the Rules framed for the Act.

The detailed procedural part for the hearing of the petition is laid down in the Rule 15 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2007. But before going to each step for due consideration of petition by DLC, it needs to be mentioned that as per the Section 6(4) of the Act, DLC cannot dispose or reject any petition without giving reasonable opportunity to the aggrieved person to present his/her case.

As per Rule 15, the petition can be heard in the following two ways:
1. Direct hearing of the petition
2. Referring it back to concerned SDLC for its reconsideration

**Direct hearing of the petition**
1. After receiving the petition, DLC would fix a date for hearing and intimate the petitioner and concerned SDLC in writing as well as through a notice at a convenient place in the village of the petitioner at least fifteen days prior to the date of hearing.
2. After hearing the views of both the Parties, DLC may pass an appropriate order either accepting or rejecting or sending it back to SDLC for its reconsideration.

Redressal Mechanism at District Level Committee

*Process of Hearing of Petition at DLC level*

- Petition is being filed under Section 6(4) of the Act giving the reasons for filing the petition. A sample copy of the petition is given in annexure 13. It should be changed as per the context.
Referring back to concerned SDLC for reconsideration of its decision

1. After receiving the petition, DLC may refer the petition to the concerned SDLC for its reconsideration.
2. After receipt of such reference from the DLC, SDLC will hear the petitioner and the concerned Gram Sabha, take a decision on that reference and intimate the same to DLC.
3. After receipt of reference from the SDLC, DLC would consider it and pass appropriate orders, either accepting or rejecting the petition.

Can DLC Reject the Petition without giving Reasonable Opportunity to Petitioner?

No. It cannot. Section 6(4) of the Forest Rights Act clearly provides that, ‘no petition shall be disposed of against the aggrieved person, unless s/he has been given a reasonable opportunity to present his/her case’.

What can the Petitioner do if DLC Rejects the Petition without giving Reasonable Opportunity to the Petitioner?

If, the petitioner feels that DLC has rejected his/her petition without giving reasonable opportunity to be heard, then, s/he may give notice to State Level Monitoring Committee under Section 7 of the Forest Rights Act. If the SLMC does not take any action within 60 days, then the petitioner can go to court. Here it needs to be mentioned that Section 7 is applicable only for the breach of any provisions of the Forest Rights Act and Forest Rights Rules by any authority or committee or officer or member of such authority or committee.
Annexure 1
Some Definitions

From the Act

1. Forest dwelling Scheduled Tribes means the members or community of the Scheduled Tribes who primarily reside in and who depend on the forests or forest lands for bonafide livelihood needs and includes the Scheduled Tribes pastoralist communities.

2. Other traditional forest dweller means any member or community who has for at least last three generations prior to the 13th day of December, 2005, primarily resided in and who depend on the forest or forests land for bonafide livelihood needs. One generation means 25 years.

3. Forest land means land of any description falling within any forest area and includes unclassified forests, undemarcated forests, existing or deemed forests, protected forests, reserved forests, Sanctuaries and National Parks.

4. Minor forest produce includes all non timber forest produce of plant origin including bamboo, brushwood, stumps, cane, tussar, cocoons, honey, wax, lac, tendu or kendu leaves, medicinal plants and herbs, roots, tubers and the like.

5. Community forest resource means customary 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.

6. Critical wildlife habitat means such areas of National Parks and Sanctuaries where it has been specifically and clearly established, case by case, on the basis of scientific and objective criteria, that such areas are required to be kept as inviolate for the purposes of wildlife conservation as may be determined and notified by the Central Government in the Ministry of Environment and Forests after open process of consultation by an Expert Committee, which includes experts from the locality appointed by that Government wherein a representative of the Ministry of Tribal Affairs shall also be included, in determining such areas according to the procedural requirements arising from sub-sections (1) and (2) of Section 4.

7. Forest villages means the settlements which have been established inside the forests by the forest department of any State Government for forestry operations or which were converted into forest villages through the forest reservation process and includes forest settlement villages, fixed demand holdings, all types of taungya settlements, by whatever name called, for such villages and includes lands for cultivation and other uses permitted by the Government.

8. Gram Sabha means a village assembly which shall consist of all adult members of a village and in case of States having no Panchayats,
Padas, Tolas and other traditional village institutions and elected village committees, with full and unrestricted participation of women.

9. Habitat includes the area comprising the customary habitat and such other habitats in reserved forests and protected forests of primitive tribal groups and pre-agricultural communities and other forest dwelling Scheduled Tribes.

10. Scheduled Areas means the Scheduled Areas referred to in clause (1) of article 244 of the Constitution.

11. Village means
   - A village referred to in clause (b) of Section 4 of the Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996; or
   - Any area referred to as a village in any State law relating to Panchayats other than the Scheduled Areas; or
   - Forest villages, old habitation or settlements and unsurveyed villages, whether notified as village or not; or
   - In the case of States where there are no Panchayats, the traditional village, by whatever name called;

12. Wild animal means any species of animal specified in Schedules I to IV of the Wild Life (Protection) Act, 1972 and found wild in nature.

From the Rules

1. Bonafide livelihood needs means fulfillment of sustenance needs of self and family through production or sale of produce resulting from self-cultivation of forest land as provided under clauses (a), (c) and (d) of sub-section (1) of Section 3 of the Act.

2. Claimant means an individual, group of individuals, family or community making a claim for recognition and vesting of rights listed in the Act.

3. Disposal of minor forest produce under clause (c) of sub-section (1) of Section 3 of the Act shall include local level processing, value addition, transportation in forest area through head-loads, bicycle and handcarts for use of such produce or sale by the gatherer or the community for livelihood.

4. Forest Rights Committee means a committee constituted by the Gram Sabha under Rule 3.
Annexure 2
Types of Forest Rights

Forest rights means the forest rights referred to in Section 3 (1) of the Act

a. Right to hold and live in the forest 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;
b. Community rights such as nistar, by whatever name called, including those used in erstwhile Princely States, Zamindari or such intermediary regimes;
c. Right of ownership, access to collect, use, and dispose of minor forest produce which has been traditionally collected within or outside village boundaries;
d. Other community rights of uses or entitlements such as fish and other products of water bodies, grazing (both settled or transhumant) and traditional seasonal resource access of nomadic or pastoralist communities;
e. Rights, including community tenures of habitat and habitation for primitive tribal groups and pre-agricultural communities;
f. Rights in or over disputed lands under any nomenclature in any State where claims are disputed;
g. Rights for conversion of Paltas or leases or grants issued by any local authority or any State Government on forest lands to titles;
h. Rights of settlement and conversion of all forest villages, old habitation unsurveyed villages and other villages in forest, whether recorded, notified, or not, into revenue villages;
i. Right to protect, regenerate, or conserve or manage any community forest resource, which they have been traditionally protecting and conserving for sustainable use;
j. Rights which are recognised 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 concerned tribes of any State;
k. Right of access to biodiversity and community right to intellectual property and traditional knowledge related to biodiversity and cultural diversity;
l. Any other traditional right customarily enjoyed by the forest dwelling Scheduled Tribes or other traditional forest dwellers, as the case may be, which are not mentioned in clauses (a) to (k) but excluding the traditional right of hunting or trapping or extracting a part of the body of any species of wild animal;
m. 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 of December 2005.)
Annexure 3
Sample Copy of a Notice

Date of Notice: ________________    Notice No.: ______________

Purpose of Notice: _____________________________________________
________________________________________________________________
________________________________________________________________
________________________________________________________________

Signature of FRC Chairperson    FRC Secretary

Signature of persons to whom notice has been served:
1.
2.
3.
4.
5.

N.B.:
Under the purpose of notice, please mention the purpose, time and venue and ensure signature of all the persons to whom notice has been served.
Annexure 4  
Sample Intimation Letter to Claimant prior to Verification of His/Her Claim

Forest Rights Committee (Name of the FRC, if any)

Name of the Village:____________________________________________________
Date of Notice:________________________________________________________
Notice No.: _______________________________________________________________________

To
______________________________________________________________________ (Name of the Claimant)
_____________________________________________________________________

Subject: Verification of Claims

Dear Mrs/Mr____________________,

As per the requirement of Section 11 (2)(iv) and 12 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2007, the Forest Rights Committee is going to verify the claims submitted by you on date........
You are therefore requested to remain present in the forest land on which claim is being made and to cooperate in the process of verification.

Yours,

Signature of

Chairperson of FRC                     Secretary of FRC
Annexure 5
Sample Consolidated Claim Report Format

Consolidated Claim Report

<table>
<thead>
<tr>
<th>Receipt No.</th>
<th>Name of Claimant/Claimants</th>
<th>Sex</th>
<th>Age</th>
<th>Relationship with Claimant</th>
<th>Fathers' Name</th>
<th>Mothers' Name</th>
<th>FDST/OTFD</th>
<th>Claim</th>
<th>Forest Type</th>
<th>Documentary Evidences attached</th>
<th>Remark</th>
</tr>
</thead>
</table>

N.B:
Receipt No.:
Write the serial number of the receipt given by FRC after receiving the claim form.

Name of the Claimants:
If the number of claimant is more than one, please write the name of claimants

Relationship with Claimant:
Write the relationship of claimants with 1st claimant

FDST/OTFD:
Category of claimant, whether the claimant belongs to forest dwelling Scheduled Tribe or other traditional forest dweller

Nature of Claim:
Whether claim is on land or homestead or both.

Extent of Claim:
Approximate Area (as mentioned in the Claim form)

Rev. F:
Revenue Forest land: If the claim is on the revenue forest land (forest land within the boundary of a revenue village), then mention the plot no. (plot no. is available from village cadastral map)

Compartment No.:
For management purpose each reserved forest/demarcated protected forest is divided into compartments and each compartment bears a number. If the claim is falling under the RF, please mention the number of the compartment. The number can be obtained from DFO, Office by asking compartment map of the reserved forest.

Coupe No.:
Apart from reserved forests, other forest land under State Forest Department is divided through coupe number. This information can be obtained from DFO, Office.

Documentary Evidences:
Write the name of the documents attached by the claimant with Claim form.

This format has been developed by the SDLC of Gajapati District in Orissa State.
Annexure 6
Sample Intimation Letter to Forest/Revenue Department prior to Field Verification of Claims

Forest Rights Committee (Name of the FRC, if any)

Name of the Village: ____________________________________________
Date of Notice: _________________________________________________
Notice No.: ____________________________________________________

To
The Divisional Forest Officer
Name of the Forest Division:

Subject: Verification of Forest Rights Claim

Dear Madam/Sir,
As per the requirement of Section 11 (2)(iv) and 12 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2007, you are hereby informed that the Forest Rights Committee of village……. is going to verify claims submitted on forest rights according to the verification plan attached with this letter. You are requested to attend the verification process which is scheduled to be held on__ at ___and provide your valuable suggestion.

Yours,

Signature of

Chairperson of FRC                                             Secretary of FRC

Copy to: Sub-Divisional Level Committee, Range Officer, Revenue Inspector (if forest land comes under jurisdiction of Revenue Department)
Annexure 7
Sample Page of a Claimant Register

Cover Page of the Register

Name of the Village:
Name of the Gram Panchayat:
Status of Village: Revenue/Forest Village

Name of the District:
Name of the Sub-Division:
Name of the Tehsil:
Name of the Revenue Circle:

Name of the Forest Division:
Name of the Range:
Name of the Forest Section:
Name of the Forest Beat:

Date of FRC Formation:
Name of the FRC Members:
1.
2.
3.
4.

Total Number of Claim Forms Received:

Contd:
Claimant Page

Name of Claimant:
Name of the Spouse:
Category of Claimant:
1. Forest Dwelling Scheduled Tribe:
   • Primitive Tribe:
   • Nomadic:
2. Other Traditional Forest Dweller:
3. Pastoralist:

Date of Submission of Form:
Receipt No.:
Nature of Claim:
Extent of Claim:
Location:

Documentary Evidences annexed with the Claim Form:
1.
2.
3.

Details of Notice(s) issued:

<table>
<thead>
<tr>
<th>Date of Notice</th>
<th>Purpose of Notice</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Findings of Field Verification: (Date of verification)

Signature of Verification Team Members:
Annexure 8
Form B for Claiming Community Forest Rights

FORM – B
CLAIM FORM FOR COMMUNITY RIGHTS
[See Rule 11(1)(a) and (4)]

1. Name of the claimant(s): _______________________________
   - FDST community: Yes/ No
   - OTFD community: Yes/ No
2. Village:
3. Gram Panchayat:
4. Tehsil/Taluka:
5. District:

Nature of community rights enjoyed
1. Community rights such as nistar, if any:
   (See Section 3(1)(b) of the Act)
2. Rights over minor forest produce, if any:
   (See Section 3(1)(c) of the Act)
3. Community rights
   - Uses or entitlements (fish, water bodies), if any:
   - Grazing, if any
   - Traditional resource access for nomadic and pastoralist, if any:
   (See Section 3(1)(g) of the Act)
4. Community tenures of habitat and habitation for PTGs and pre-agricultural communities, if any:
   (See Section 3(1)(e) of the Act)
5. Right to access biodiversity, intellectual property and traditional knowledge, if any:
   (See Section 3(1)(k) of the Act)
6. Other traditional right, if any:
   (See Section 3(1)(l) of the Act)
7. Evidence in support:
   (See Rule 13)
8. Any other information:

Signature/Thumb Impression of the Claimant(s):
Sample Intimation Letter to Other Villages/Gram Sabhas prior to Demarcation of CFR

(if the CFR area substantially overlaps with the boundary of other Gram Sabhas or, the area is used by more than one Gram Sabha)

**Forest Rights Committee (Name of the FRC, if any)**

Name of the Village: __________________________________________

Date of Notice: _______________________________________________

Notice No.:__________________________________________________

To
The Chairperson
___________(mention the name of Village)  Forest Rights Committee (example-Ramgiri Forest Rights Committee)
___________(mention the name of Village)  Forest Rights Committee (example Mandiabiri Forest Rights Committee)

Subject: Determination of Community Forest Resource

Dear Madam/Sir,
As per the requirement of Rule 11 (1)(6) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2007, you are informed that the Gram Sabha of village……. is going to determine the Community Forest Resource on -------------(date) at -------------(time). As the community residing in your village have been using / depending on the resources, so you are hereby intimated to please make sure the presence of all during the verification and demarcation process failing which no complaints will be entertained in future.

Yours,

Signature of

Chairperson of FRC       Secretary of FRC

Copy to: Sub-Divisional Level Committee, Range Officer, Revenue Inspector (if forest land comes under jurisdiction of Revenue Department)
Annexure 10
Sample Letter to Sub-Divisional Committee (in case of conflict)

Forest Rights Committee (Name of the FRC, if any)

Name of the Village: ___________________________________________
Date of Notice: _______________________________________________
Notice No.:__________________________________________________

To
The Chairperson
________________________________________ (Write the Name of the Sub-Divisional Committee, for example – Kuchinda Sub-Divisional Forest Rights Committee)

Subject: Resolution of Conflict arising out of Demarcation of boundary of Community Forest Resource

Dear Madam/Sir,
As per the requirement of Rule 12(3) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2007 prior to demarcation and verification of Community Forest Resource, we have duly intimated other Gram Sabhas. The copy of letter issued to each Gram Sabhas is attached with this letter for your ready reference. During the verification and demarcation process, a problem has arisen on the demarcation of boundary line, which could not be resolved during joint verification meeting. As per the Rule 12(3) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2007, we are intimating you and requesting for quick resolution of the issue mentioned. Further for your reference we have attached a copy of the meeting held on____________ at__________________.

Yours,
Signature of

Chairperson of FRC       Secretary of FRC

Copy to: Sub-Divisional Level Committee, Range Officer, Revenue Inspector (if forest land comes under jurisdiction of Revenue Department)
Annexure 11
Relevant Provisions relating to the Appeal and Disposal of the Petition by any Aggrieved Person

**Act**

**Section 6(2) of the Act:**
“Any person aggrieved by the resolution of the Gram Sabha may prefer a petition to the Sub-Divisional Level Committee constituted under sub-section (3) and the Sub-Divisional Level Committee shall consider and dispose of such petition:

Provided that every such petition shall be preferred within sixty days from the date of passing of the resolution by the Gram Sabha.

Provided further that no such petition shall be disposed of against the aggrieved person, unless he has been given a reasonable opportunity to present his case.

**Section 6(4) of the Act:**
“Any person aggrieved by the decision of the Sub-Divisional Level Committee may prefer a petition to the District Level Committee within sixty days from the date of decision of the Sub-Divisional Level Committee and District Level Committee shall consider and dispose of such petition:

Provided that no petition shall be preferred directly before the District Level Committee against the resolution of the Gram Sabha unless the same has been preferred before and considered by the Sub-Divisional Level Committee.

Provided further that no such petition shall be disposed of against the aggrieved person, unless he has been given a reasonable opportunity to present his case.

**Section 7 of the Act:**
“Where any authority or Committee or officer or member of such authority or Committee contravenes any provision of this Act or any rule made thereunder concerning recognition of forest rights, it, or, they, shall be deemed to be guilty of an offence under this Act and shall be liable to be proceeded against and punished with fine which may extend to one thousand rupees:

**Rule**

**Rule 4 (1) (c):**
The Gram Sabha shall—

“Pass a resolution on claims on forest rights after giving reasonable opportunity to interested persons and authorities concerned and forward the same to the Sub-Divisional Level Committee;”

**Rule 4(2):**
“The quorum of the Gram Sabha meeting shall be not less than two thirds of all members of such Gram Sabha:”

Provided that where there is a heterogeneous population of Scheduled Tribes and non Scheduled Tribes in any village, the members of the Scheduled Tribe, primitive tribal groups (PTGs) and pre-agricultural communities shall be adequately represented.
Rule 6: The Sub-Divisional Level Committee shall -
(f) hear and adjudicate disputes between Gram Sabhas on the nature and extent of any forest rights;
(g) hear petitions from persons, including State agencies, aggrieved by the resolutions of the Gram Sabhas;

Rule 8: The District Level Committee shall -
(d) hear petitions from persons aggrieved by the orders of the Sub-Divisional Level Committee;

Rule 10: The State Level Monitoring Committee shall -
(d) on receipt of a notice as mentioned in Section 8 of the Act, take appropriate actions against the concerned authorities under the Act;

Rule 11: Procedure for filing, determination and verification of claims by the Gram Sabha-
(5) The Gram Sabha shall on receipt of the findings under clause (v) of sub-rule (2), meet with prior notice, to consider the findings of the Forest Rights Committee, pass appropriate resolutions, and shall forward the same to the Sub-Divisional Level Committee.
(6) The Secretary of Gram Panchayat will also act as Secretary to the Gram Sabhas in discharge of its functions.

Rule 12: Process of verifying claims by Forest Rights Committee-
(2) The Forest Rights Committee shall then record its findings on the claim and present the same to the Gram Sabha for its consideration.

(3) If there are conflicting claims in respect of the traditional or customary boundaries of another village or if a forest area is used by more than one Gram Sabha, the Forest Rights Committees of the respective Gram Sabhas shall meet jointly to consider the nature of enjoyment of such claims and submit the findings to the respective Gram Sabhas in writing:

Provided that if the Gram Sabhas are not able to resolve the conflicting claims, it shall be referred by the Gram Sabha to the Sub-Divisional Level Committee for its resolution.

Rule 14: Petitions to Sub-Divisional Level Committee -
(1) Any person aggrieved by the resolution of the Gram Sabha may within a period of sixty days from the date of the resolution file a petition to the Sub-Divisional Level Committee.
(2) The Sub-Divisional Level Committee shall fix a date for the hearing and intimate the petitioner and the concerned Gram Sabha in writing as well as through a notice at a convenient public place in the village of the petitioner at least fifteen days prior to the date fixed for the hearing.
(3) The Sub-Divisional Level Committee may either allow or reject or refer the petition to concerned Gram Sabha for its reconsideration.
(4) After receipt of such reference, the Gram Sabha shall meet within a period of thirty days, hear the petitioner, pass a resolution on that reference and forward the same to the Sub-Divisional Level Committee.
(5) The Sub-Divisional Level Committee shall consider the resolution of the Gram Sabha and pass appropriate
orders, either accepting or rejecting the petition.

(6) Without prejudice to the pending petitions, Sub-Divisional Level Committee shall examine and collate the records of forest rights of the other claimants and submit the same through the concerned Sub-Divisional Officer to the District Level Committee.

(7) In case of a dispute between two or more Gram Sabhas and on an application of any of the Gram Sabhas or the Sub-Divisional Level Committee on its own, shall call for a joint meeting of the concerned Gram Sabhas with a view to resolving the dispute and if no mutually agreed solution can be reached within a period of thirty days, the Sub Divisional Level Committee shall decide the dispute after hearing the concerned Gram Sabhas and pass appropriate orders.

**Rule 15.**

**Petitions to District Level Committee:**

(1) Any person aggrieved by the decision of the Sub-Divisional Level Committee may within a period of sixty days from the date of the decision of the Sub-Divisional Level Committee file a petition to the District Level Committee.

(2) The District Level Committee shall fix a date for the hearing and intimate the petitioner and the concerned Sub-Divisional Level Committee in writing as well as through a notice at a convenient public place in the village of the petitioner at least fifteen days prior to the date fixed for the hearing.

(3) The District Level Committee may either allow or reject or refer the petition to concerned Sub-Divisional Level Committee for its reconsideration.

(4) After receipt of such reference, the Sub-Divisional Level Committee shall hear the petitioner and the Gram Sabha and take a decision on that reference and intimate the same to the District Level Committee.

(5) The District Level Committee shall then consider the petition and pass appropriate orders, either accepting or rejecting the petition.

(6) The District Level Committee shall send the record of forest rights of the claimant or claimants to the District Collector or District Commissioner for necessary correction in the records of the Government.

(7) In case there is a discrepancy between orders of two or more Sub-Divisional Level Committees, the District Level Committee on its own, shall call for a joint meeting of the concerned Sub-Divisional Level Committees with a view to reconcile the differences and if no mutually agreed solution can be reached, the District Level Committee shall adjudicate the dispute after hearing the concerned Sub-Divisional Level Committees and pass appropriate orders.
Annexure 12
Sample Petition Letter to SDLC

Petition to SDLC under Section 6 (2) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006

To
The Chairperson
Sub-Divisional Level Committee, --------------------(Mention the name of the Sub-Division)

Sub: Request for considering petition under Section 6 (2) of the Act.

Dear Madam/Sir,
This is to inform you that I am a resident of the village.....I am a claimant under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 and I have preferred my claim to the FRC of the village. The FRC verified the claim and submitted its findings to the Gram Sabha for consideration. Gram Sabha was held on date ......to consider and approve the claims and the Gram Sabha passed a resolution on the claims and forwarded the same to the SDLC. I would like to inform you that I am aggrieved by the resolution passed by the Gram Sabha as it has not duly considered and approved the claim preferred by me. The reasons for appeal are as follows:

1. ________________________________________________________________
2. ________________________________________________________________
3. ________________________________________________________________

I, therefore, in exercise of the right to appeal provided in the Act, am filing this petition to the SDLC within 60 days of the Gram Sabha resolution. The SDLC is requested to take necessary steps on the petition.

Date: 

With Regards,

Place:

(Name of Petitioner along with his/her sign or thumb impression, detail contact address)
Annexure 13
Sample Petition Letter to DLC

Petition to DLC under Section 6 (4) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006

To
The Chairperson
District Level Committee, -------------(Mention the name of the District)

Sub: Request for considering petition under Section 6 (4) of the Act.

Dear Sir,
This is to inform you that I am a resident of the village……I am a claimant under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 and I have preferred claim to the FRC of the village. The FRC verified the claim and submitted the findings to the Gram Sabha for consideration. Gram Sabha was held on dated ……to consider and approve the claims and the Gram Sabha passed a resolution on the claims and forwarded the same to the SDLC. The SDLC decided on the claims forwarded by the Gram Sabha on dated……I would like to inform you that I am aggrieved by the decision taken by the SDLC as it has not duly considered and approved the claim preferred by me. The reasons for appeal are as follows:

1.____________________________________________________________
2.____________________________________________________________
3.____________________________________________________________
4.____________________________________________________________

I, therefore, in exercise of the right to appeal provided in the Act, am filing this petition to the DLC. The DLC is requested to take necessary steps on the petition.

Date:

With Regards,

Place:

(Name of Petitioner along with her/his sign or thumb impression, detailed contact address)
Vasundhara
Vasundhara is a research and policy advocacy group that works on environment conservation and sustainable livelihood issues. The organisation was initially conceived to support and strengthen community-based initiatives to protect and conserve forests in the state of Orissa. Over the years, while working and retaining its focus on community forestry, Vasundhara has developed a more explicit focus on the sustainable livelihood of the marginalised sections. We are also embarking on a more direct action on different environmental and biodiversity conservation issues. The interface of conservation and livelihoods now forms the core of its interventions.

WWF-India
WWF-India is one of India’s largest conservation organizations. Its mission is to stop the degradation of the planet’s natural environment, which it addresses through its work in biodiversity conservation and reduction of humanity’s ecological footprint. It engages multiple stakeholders in an inter-disciplinary approach to address these issues.