

# forest rights act







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# List of Acronyms

<b>CFR</b>	Community Forest Resources
<b>CWH</b>	Critical Wildlife Habitat
<b>DFO</b>	Divisional Forest Officer
<b>DLC</b>	District Level Committee
<b>DPF</b>	Demarcated Protected Forests
<b>FD</b>	Forest Department
<b>FRA</b>	Forest Rights Act
<b>FRC</b>	Forest Rights Committee
<b>NP</b>	National Park
<b>NREGA</b>	National Rural Employment Gurantee Act
<b>OTFD</b>	Other Traditional Forest Dwellers
<b>PESA</b>	The Panchayats Extension to Scheduled Areas Act, 1996
<b>PF</b>	Protected Forests
<b>PTG</b>	Primitive Tribal Groups
<b>RF</b>	Reserved Forest
<b>ROR</b>	Record of Rights
<b>SC</b>	Scheduled Caste
<b>SDLC</b>	Sub-Divisional Level Committee
<b>SLMC</b>	State Level Monitoring Committee
<b>ST</b>	Scheduled Tribe
<b>WLS</b>	Wildlife Sanctuary

# Background

The issue of community access and rights over natural resources has always been contentious in India. Pre-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). Post- independence, the second phase of extension of government control over forest area included the setting up of a network of Protected Areas which further eroded community rights. This has led to alienation, unrest and what is perceived as “encroachment” on forest areas by these communities. 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 rights.

The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 has come on the basis that the central factor affecting tribal livelihoods and identity is their lack of access to and control over natural resources in many parts of the country.

India, after independence, has enacted a number of progressive laws but in most cases the implementation has been poor due to limited awareness about the laws among the common people. This also has often led to a handful of persons using some provisions to exploit the poor and marginalized people. In some cases,

the intention of various laws is still not understood by those for whom the laws were enacted.

The enactment of the Act provides an avenue to bring in some positive approaches in management of our natural resources like:

1. Provides an opportunity to democratize the nature of forest management
2. Gives importance of needs of local people over industries
3. Mandates that critical wildlife habitats are not diverted subsequently for any other use.

Pursuing our learning, realization and commitment towards the larger society and in particular to the deprived sections of society, it was decided to simplify the provisions of the law and bring out a manual based on the felt need of the hour, so that the intention of the law can be realized and the left out people can effectively claim their legitimate entitlements.

The main purpose of bringing out a field manual is 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 said Act to enable a common person 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 SDLCs and DLCs.

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

This field manual has been developed in a simple question and answer format explaining the provisions especially related to the right to appeal and the procedures specified in the rules framed under the law

to enable the common person to exercise that right. The manual also provides a few sample applications which would help community members and process facilitators in drafting their appeal petitions for their specific situations.

We hope this manual would help the communities and process facilitators in understanding and using the various provisions of the Act.

We strongly feel that proper implementation of the Act will ensure long-term ecological security of the nation as will have positive impact on forest conservation and forest dependent communities, especially tribal groups.



# What is Forest Rights Act and Why

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.

Forest Rights Act is a means to address some of the pressing issues affecting livelihood and conservation. By securing tenurial and access rights and providing an empowered authority for conservation it aims to,

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



# Types of Forest Rights Recognized

The Forest Rights Act recognizes and secures *Community Rights* or rights over *Common Property Natural Resources* to 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 common property resources which are critical for their livelihood. The Act also recognizes rights of vulnerable groups among tribal such as Primitive Tribal Groups, 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 over the protection and conservation of community forest resources, a significant step to empower the *Community Conservation Initiatives* (Self-initiated resource protection groups) 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)

## Rights over Forest Land and Forest Resources

1. The Act recognizes right 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.
2. Community rights conferred by the Act (Section (3) (b, c, d)) include nistari 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.
3. 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.
4. 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)).
5. 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)).

## Right over Cultural Heritage

There are number of forest communities known as primitive tribal groups (PTGs) 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 into account this, 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)).

## Right 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. This will help the forest dwelling community to assert their right of management of forest and biodiversity according to their own management plan.

## Right of Displaced communities

Forest dwelling scheduled tribes and other traditional forest dwellers, those who have been deprived of their rights due to the displacement caused by state interventions will regain their rights 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 assures right of land (Section 4 (8)) to forest dwelling communities in cases where land acquired due to any State development intervention has not been used for the purpose for which it was acquired within five years of the said acquisition.

## Right for Development

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 source of energy, skill up gradation or vocational training centers, and roads. In this case the pre-condition is that the development projects are to be provided by the Central Government only after the Gram Sabha recommends for the same.

# Process of Right Recognition

Along with the important rights the Act provides for an empowering and genuinely participatory framework for recording of such rights. The Act vests primary authority in the Gram Sabha to initiate the process of determining rights. Gram Sabha, as conceived in the Act, is a village assembly of members of forest 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 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.

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, consider and finally approve 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 is important in that it,

1. Adds to decentralization of governance
2. Empowers the actual resource dependents to decide their rights.
3. 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, Forest and Social Welfare.



# Role of Authorities under FRA

## Determination of Rights (Section 6)

### *Gram Sabha: Section 6 (1)*

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 in such 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) 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.
  - Extend, if consider 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 the Sub-Divisional Level Committee.
  - Ask for necessary information, records or documents from the government authorities.
4. Prepare a list of claimants of forests 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 on forest rights after giving reasonable opportunity to interested persons and authorities concerned 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,

1. At least one-third members who should be the Scheduled Tribes;
2. Not less than one-third of such members should be women;
3. 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 on forest rights;
4. Verify claims as provided in these 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:

1. Sub-Divisional Officer or equivalent officer - Chairperson;
2. Forest Officer in charge of a Sub-division or equivalent officer - member;
3. 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;
4. 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. Raise awareness among forest dwellers about the objectives and procedures laid down under the Act and in the rules ;
2. Provide such information and records as has been asked by the Gram Sabha or the FRC and to facilitate clarification of the same through an authorized officer, if required.
3. Provide forest and revenue maps and electoral rolls to the Gram Sabha or the Forest Rights Committee;
4. Ensure that the Gram Sabha meetings are conducted in free, open and fair manner with requisite quorum.
5. Ensure easy and free availability of proforma of claims to the claimants.
6. Collate all the resolutions of the concerned Gram Sabhas;
7. Consolidate maps and details provided by the Gram Sabhas;
8. Examine the resolutions and the maps of the Gram Sabhas to ascertain the veracity of the claims;
9. Hear and adjudicate disputes between Gram Sabhas on the nature and extent of any forest rights;
10. Co-ordinate with other Sub-Divisional Level Committees for inter subdivisinal claims ;
11. Prepare block or tehsil-wise draft record of proposed forest rights after reconciliation of government records;
12. Forward the claims with the draft record of proposed forest rights through the Sub-Divisional Officer to the District Level Committee for final decision;

## ***District Level Committee***

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

1. District Collector or Deputy Commissioner - Chairperson;
2. Concerned Divisional Forest Officer or concerned Deputy Conservator of Forest - member;
3. 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;
4. 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 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. Co-ordinate with other districts regarding inter-district claims;
5. Issue directions for incorporation of the forest rights in the relevant government records including record of rights;
6. Ensure publication of the record of forest rights as may be finalized;
7. Ensure that a certified copy of the record of forest rights and title under the Act, as specified in Annexures II and III to these rules, is provided to the concerned claimant and the Gram Sabha respectively ;



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## State Level Monitoring Committee

The State Level Monitoring Committee is constituted by the State Level Monitoring Committee with the following members,

1. Chief Secretary - Chairperson;
2. Secretary, Revenue Department - member;
3. Secretary, Tribal or Social Welfare Department - member;
4. Secretary, Forest Department - member;
5. Secretary, Panchayati Raj - member;
6. Principal Chief Conservator of Forests - member;
7. 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;
8. 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.

## Grievance and Appeal {Section 6 (2)}

Any person aggrieved by the decision of the authorities regarding recognition of rights can appeal at 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 petitions as per the procedure laid down in Rule 15. The DLC has to ensure that no such petition is disposed against the aggrieved person unless he has been given a reasonable opportunity to present his case.

## 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 Act and Rule. The Gram Sabha can move to any court if the SLMC fails to take any remedial steps.

**SLMC** is required to play 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.

## Declaration of Critical Wildlife Habitat {Section 4 (2)}

Section 3 (2) provides for an open and consultative process for declaration of critical wildlife habitat in the Sanctuaries and National Parks.

**Gram Sabha has to**

1. Actively monitor and engage in the process of declaration of CWH considering the procedural requirements and the necessary consultations thereof.

2. 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 rights arising out of the declaration process.

**State Level Monitoring Committee has to**

Monitor resettlement under sub-section (2) of section 4 of the Act.

## 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 MOTAs have laid down a procedural guideline. As per Section 3 (2) the clearance of developmental projects is subject to the condition that the same is recommendation of the same by the Gram Sabha.

## Empowered Authority for Protection and Conservation (Section 5)

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

1. Protect the wild life, forest and biodiversity;
2. Ensure that adjoining catchments area, water sources and other ecological sensitive areas are adequately protected;
3. 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;
4. 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 provision 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 empowered authority and authority 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.



# Process of Claim Verification

## What is Verification?

Section 6 (1) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 empowers the Gram Sabha/Palli 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.

The process of verification of claims is dealt with in Section 11 (2) (iv) and 12 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules 2007. 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 Scheduled Tribes and Other Traditional forest dwellers (Recognition of Forest Rights) Act, 2006.

## Responsibility for Verification

The Forest Rights Committee, constituted by Gram Sabha/Palli Sabha, is responsible for initiating the process of verification of claims on behalf of Gram Sabha/Palli 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 on forest rights at Forest Rights

Committee and preparation of record of claims and list of claimants by the FRC.

# Individual Rights

Some of the Mandatory Processes from Receiving Claims to Submission of Final Report to SDLC.

preparation of record of claims and evidences

verification of claims

intimation of claimant and forest department regarding date of field verification by FRC

field verification by FRC

collection of additional information from claimant and witness by FRC

preparation of maps with recognizable landmark indication

recording of findings on claims by the forest rights committee

sharing of findings/ verification report at gram sabha/palli sabha

sharing of findings/ verification report with interested persons and authorities concerned

final approval of findings/ verification report by gram sabha/palli sabha

forwarding of gram sabha/ palli sabha resolution on claims to SDLC

## Steps for Individual Claim Verification

### Step – 1

#### *Intimation to FRC Members for Preparatory Meeting for Claim Verification*

1. Secretary of FRC in consultation with the President, FRC would fix a date for FRC meeting.
2. Due intimation to all FRC members for the meeting needs to be given ('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's from each member needs to be taken after intimation.

**Requirement**  
Notice Book

### Step – 2

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

1. This 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/ Palli 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 (or refer to format given in the Annexure 4).
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, please intimate the claimant and ask him/her to furnish all the required information/ document or you can help him/her in filling up the form or in collecting requisite information/document.
5. FRC should collect the village map, RoR, forest map (RF, DPF, PF), which would help in identifying the forestland 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**

1. Claim Forms
2. White Paper
3. Format for Record of Claims.

### Step – 3

## Forest Rights Committee Meeting for Fixing of Date and Time for Claim Verification

1. Ensure attendance of all the members of FRC
2. Share the purpose of the meeting
3. Share the consolidated report prepared prior to the meeting
4. If there are some conflicting claims or cases, please share it with the members, which would help in strategizing the verification process
5. Ensure participation of all members in the meeting
6. Fix date and time for claim verification
  - While fixing date and time for claim verification, please 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)
  - It is not necessary to complete the verification process in a day.
  - If the number of claimants is more, you can make a group and accordingly fix a
- date and time for each group
- During the consolidation of the claims, if you find conflicting cases like, for a single patch of land more than one person has applied, either you fix same date for those claimants or fix separate dates and listen to their view separately and try to resolve it.
7. Before conclusion of the meeting, please share the decisions taken in the meeting and ensure that all the members who have attended the meeting have signed the register (attendance register/ proceedings book).

#### Requirement

1. FRC Meeting register
2. Intimation Letter/Notice (see annexure 4)
3. Consolidated Report of Claims (see annexure 5)
4. Claim Forms

### Step – 4

## Due Intimation to Claimants and the Forest Department

1. Intimate all the claimants regarding the decision taken in the FRC meeting
2. Share the purpose of verification and intimate them about the date and time fixed for verification
3. Take signature in the notice book after intimating the person
4. Intimate 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

1. Notice Book
2. Letter Dispatch Register
3. Record File

## Step – 5

### Site Visit, Physical Verification of Claims and Preparation of Maps

1. Before moving for field verification, please ensure 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. Before moving for field verification and demarcation, share the purpose with the claimants and representatives of the authorities concerned (FD/Revenue)
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. If the land is forestland, then record the extent of total area claimed; if the land is not forestland, please intimate the claimant and record the finding.
6. If the area claimed does not match with the area as mentioned in the claim form, please inform the claimant and make the necessary changes.
7. During physical verification, collect further evidence or record from the claimant and witnesses.
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. After the preparation of the map, 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.
10. While carrying out physical verification, record findings/field observations, such as physical attributes of the claims like improvements made to the land including leveling, bunds, check dams and the like, traditional structures like wells, burial grounds, sacred places etc.. This is most essential as these observations would also act as evidence for the claimant.
11. Before moving for the next verification, please write the details in the note book or white paper or in the claimant register.
12. Complete the physical verification of all claimants as per the process cited above.

#### Requirement

1. White Paper/Pen, Pencil
2. Note Book (Claimant Register).  
See annexure 7
3. Record of claims prepared by the FRC (as mentioned in Step 2)
4. Claim Forms along with the evidence

## Step – 6

### *Preparation of Final Maps Delineating the Area of Each Claim Indicating Recognizable Landmarks and Verification Report*

1. After the field verification is complete, please prepare a rough sketch map, indicating the area claimed by each claimant - its location, total area, name of the claimant etc.
2. If the maps are available, then write the plot number in each claimed area if the forestland is located inside the village boundary; if the forest land is with the Forest Department, then please write the name (both local and legal name) and number of the
3. In the index, please mention the name of claimant against the plot number as mentioned in the sketch map
4. Finalize the observation made during the field verification and record the findings properly.
5. Either the observation/findings can be written in the remark column of consolidation report or in a separate note or in the claimant register (a model page of a claimant register is given in the annexure)
6. Prepare a final verification report on the findings

#### **Requirement**

1. Drawing Sheet/White Paper
2. Claimant Register
3. Maps (Cadastral and Forest Map)
4. 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.

## Step to be Followed for Conflict Resolution

### *Intra Village Conflict due to Conflicting Claims*

1. In case of conflicting claims, please identify and prepare a list where claims on particular land 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. If necessary, take help of elderly persons or record the view of elderly persons
4. During field verification either you can call all the claimants and discuss the matter at that point of time
5. Or, give separate dates to each claimants
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 processes adopted for conflicting claims
9. If conflict is not resolved at that point of time, please share the observation

made by during the verification process at Gram Sabha/Palli Sabha meeting.

### **Requirement**

1. Claim forms of Conflicting Claims
2. Consolidated Report
3. Details of Conflicting Areas (Nature of Conflict)

## ***Inter Village Conflict due to Conflicting Claims***

1. Intimate to FRCs of conflicting village 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, please sit with them mutually fix a date, time and venue
4. Please invite the elderly persons of that area, who can share the past history and help in resolving the issue at local level
5. Discuss the issues in the joint meeting and try to resolve it.
6. If the issue is resolved at Joint Meeting, please write the decisions taken for resolution of conflict and get signed by all the members attended in the meeting and share a copy with them. Submit the findings of the joint meeting to the respective Gram Sabhas in writing.
7. If Gram Sabhas are not able to resolve the conflicting claims then refer the cases to SDLC for resolution. While forwarding it to SDLC, Please mention in brief about the conflict and attach the letter issued for conflict resolution and copy of the proceedings. See annexure 8

### **Requirement**

1. Claim forms of Conflicting Claims
2. Consolidated Report
3. Details of Conflicting Areas (Nature of Conflict)
4. Proceedings Book

# Community Forest Rights

Some of the Mandatory Process for Determination of Community Forest Rights

Convening of Gram/Palli Sabha by FRC

Determination of Community Forest Rights (Nature and Extent)

If the Community Forest Rights area is not overlapping with any other Gram/Palli 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

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

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graph TD; A[If the area is used by more than one village] --> B[Verification of Community Forest Rights area after due intimation to Forest Department, SDLC and Concerned Gram Sabha (FRC)]; B --> C[Joint Verification for determination of nature and extent of rights and boundary demarcation with clearly recognizable land marks]; C --> D[Passing of Common Resolution after joint verification on common agreeable points and sharing a copy with the FRC of respective village(s)]; D --> E[Sharing of Community Forest Rights verification report with interested persons and concern authorities]; E --> F[Final approval by Gram/Palli Sabha after giving reasonable opportunity to interested Persons and concern authorities]; F --> G[Forwarding of Gram Sabha resolution on community claims to SDLC];
```

**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**

**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 concern authorities**

**Final approval by Gram/Palli Sabha after giving reasonable opportunity to interested Persons and concern authorities**

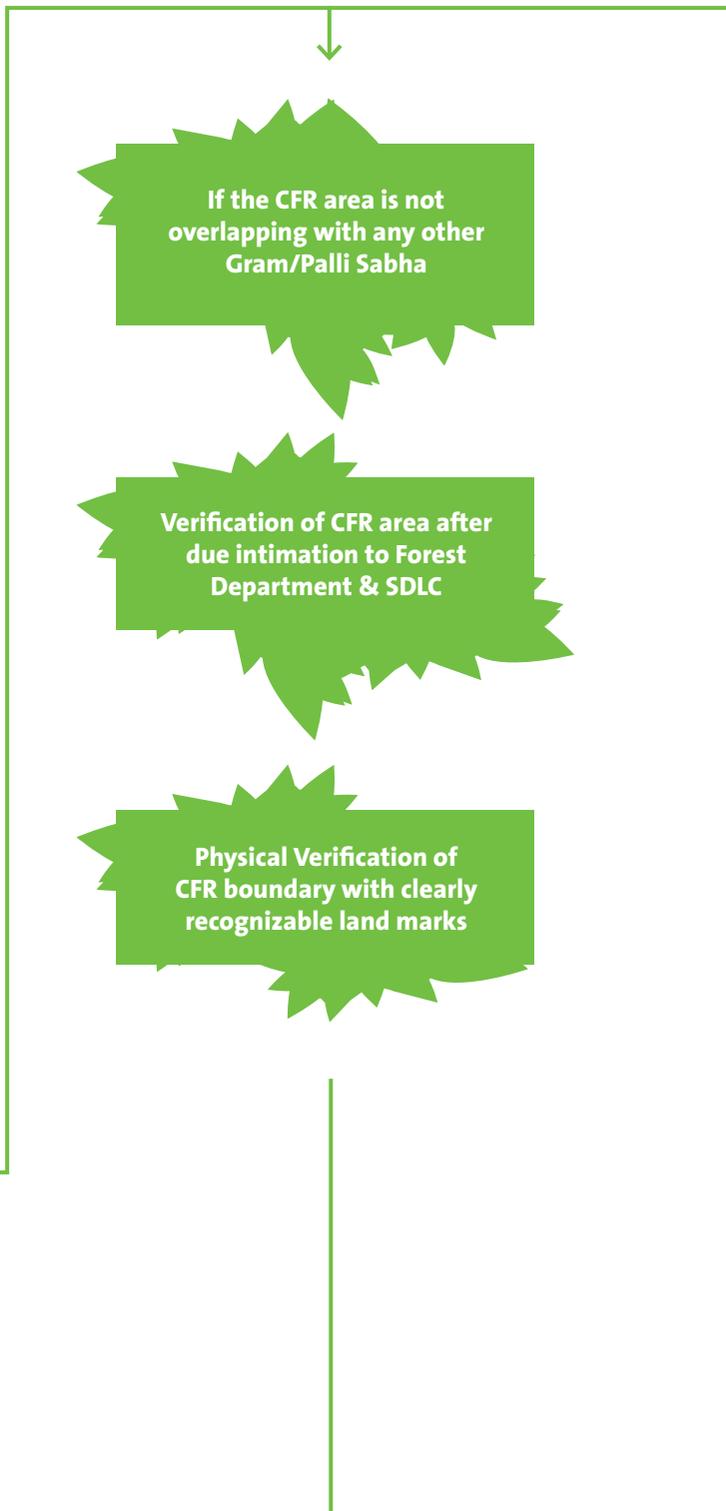
**Forwarding of Gram Sabha resolution on community claims to SDLC**

# Community Forest Resource

Some of the Mandatory Process for Determination of Community Forest Resource

Convening of Gram/Palli Sabha by FRC

Determination of Community Forest Resource (Nature and Extent)



**If the CFR area is substantially overlapping with other Gram/Palli 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 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 concern authorities**

**Final approval by Gram/Palli Sabha after due consideration of inputs/comments given by interested Persons and concern authorities**

**Submission of claims on CFR to SDLC**







# Steps to Determine Right Over Community Forest Resources (CFR)

## *Provisions on CFR in the Forest Rights Act and Rule*

### **Right over CFR**

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 'Community Forest Resource' means **customary common forest land** within the traditional or customary boundaries of the village or seasonal use of landscape in the case of pastoralist communities, including

reserve 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 the biodiversity are complied with.

## *Process for Claim on Right over Community Forest Resource*

### **Part 1-Pre-Claim Process (Preparation for claim)**

1. Determination of nature and extent of Community Forest Resources 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 case of pastoralist communities in the village meeting.
  - According to the definition, traditional access, which the community had to forest land including reserved forests, protected forests, and protected areas

such as Sanctuary and National Parks, should be the basis for determination of community forest resources.

- The community/Gram Sabha has to 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 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,

- Community rights such as nistar by whatever name called;
  - 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;
  - Remnants of structures built by the local community, sacred trees, groves and ponds or riverine areas, burial or cremation grounds;
2. Documentation of the community protection and conservation of community forest resources determined by the Gram Sabha Along with this documentation of the use of community forest resources need also to be done.
  3. Finding out if there is any overlapping of community forest resources 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/Palli 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 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 on right of CFR in Form B. Evidence collected on CFR to be provided to the FRC for use in the claim. See annexure 9 for form B.

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).

### **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/Palli 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 10
2. Initiating determination of community forest resource in the Gram Sabha: The CFR of 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.

### **Preparation of Claim for CFR by FRC: Rule 11 (4)**

The forest rights committee shall prepare the claims on behalf of Gram Sabha for community forest rights in the prescribed form B. The claim document to be prepared by the FRC should include the following,

1. Claim could be made under section 3(1) (1) 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)
2. Details of the community forest resources 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 Rule 11 (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. 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 Legally Empowered Committees under the Act**

1. Section 5 of the Act empowers the holders of rights, Gram Sabha/Palli 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 a wide array of conservation of forest and wildlife, after establishing their right over community forest resources under the due process suggested above,

- 
- would transform to empowered bodies or authorities 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 in CFM areas) 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 bodies, 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 Resource

### Step 1

#### *Preparatory Meeting of FRC for Gram Sabha*

1. Notice for FRC meeting
2. Ensure attendance of all members in the meeting
3. Fix the date and time for Gram Sabha/ Palli 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. There should be at least seven to fifteen days gap in between the date of issuance of notice to all adult members and meeting date of Gram Sabha/ Palli Sabha

#### **Requirement**

1. Notice Book
2. Proceedings Book



## Step 2

### ***Issuance of Notice for Gram Sabha/Palli Sabha for Discussion and Determination of Community Forest Rights:***

1. Intimate all the adult members of the Gram Sabha/Palli 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**

1. Notice Book

## Step 3

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

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 those who have been using/ depending on the resource within that forest boundary and nature of dependence (if)
6. If the village is protecting a forest patch, then try to trace boundary line
7. If the boundary line overlaps with any other village/villages document their name
8. Prepare a rough sketch map and show the areas of dependency and nature of dependency with local names
9. Ensure involvement of all people, especially MFP gatherers, pastoralists, traditional healers and etc.
10. Put the name of other villages on map those who have been using/depending on the forest areas
11. Fix the date for determination of CFR area
12. Prepare claim on community rights by the FRC in Form B
13. Before closing of Gram Sabha take signature of all people participated in the meeting

#### **Requirement**

1. Proceedings Book
2. Claim Form - B

## Step 4

### **Pre-preparatory Exercise for Verification of Community Rights, Demarcation of Traditional/Customary Boundary and Forest Area Under Protection:**

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 President/Secretary, address etc.
4. Issue Notice to all overlapping villages/villages 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. There should be at least fifteen to twenty five days gap in between the date of issuance of notice and meeting date of verification

#### **Requirement**

1. Proceedings Book
2. Sketch map
3. Pen/Pencil
4. Notice Book

## Step 5

### **Field Verification and Demarcation of Community Forest Rights/CFR Area**

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. If they have any query, please respond
6. Move to the area along with the representatives of other villages including FD and Revenue Department
7. During demarcation, please put recognizable landmarks (like nala, road, tree, stone, local names etc.) on the sketch map, so that in future it can be easily identified.
8. After completion of verification please 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 participated in the process should be there and give the signed copy to each villages
10. Prepare proceedings on verification process and get signed from all the members participated in the verification process.



## Requirement

1. Sketch Map
2. Forest Map
3. Cadastral Map
4. Proceedings Book

## Step 6

### Preparation of Verification Report

1. Issue notice for FRC meeting
2. Invite the people other than the FRC members participated in verification process
3. Ensure participation of all FRC members including the women
4. Prepare final report based on the discussion 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 the known or identifiable earmarks
  - Mention the name of the areas on the blank side of the map or you can use additional paper and write the resource use pattern (what you are collecting, when and its usage)
  - Overlapping areas should be shown in the 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 CFR 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
  - Resolution copies of forest protection
  - Any other
7. Fix date for sharing of community forest rights and CFR in the Gram Sabha/Palli Sabha
8. Before concluding the meeting ensure signature of all the members attended the meeting

## Requirement

1. Proceedings Book
2. Notice Book
3. Joint Verification Report
4. Sketch Map
5. Pencil/Pen

# Post Verification and Determination of Forest Rights Claim Process

## Step 1

### *Intimation to all the Members of Gram Sabha/ Palli Sabha for Sharing Verification Report*

1. Intimate all the adult members of the Gram Sabha/Palli 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.

#### **Note**

Ensure prior to intimating the Gram Sabha/Palli Sabha, all the required formalities have been completed like final verification report, claimant forms, Form B, consolidated report, joint verification report, proceedings copy of 1st Gram Sabha, copies of notices issued at various times, evidences, maps (both Individual Claim map and CFR map) etc.

#### **Requirement**

1. Notice book

## Step 2

### *Sharing of 1st Draft Verification Report in the Gram Sabha/Palli Sabha*

1. Prior to initiation of Gram Sabha/Palli Sabha, ensure attendance of all the adult members including the PTGs, Pastoralists (if, they are residing in the village)
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 the report of claim verification
  - 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 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 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 suggestion came in the process please record it
7. Before adoption of 1st draft report, if any conflicting things came or suggestion came, please present it

- 
- before the Gram Sabha and take final decision
8. In the resolution it should be mentioned that, Gram Sabha has authorized FRC to share the summary report with the interested persons and concerned authorities
  9. Before concluding the meeting, please share the summary of decision taken

### **Step 3**

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

1. Rule 4 (c) of Forest Rights Rule, 2008 mentions that Gram Sabha has to give reasonable opportunities 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, so the draft report should be sent to Forest Department, Revenue Department and other villages those who have been using or depending upon the resources.
3. The report should carry a covering letter by requesting them for their suggestion and feedback.
4. Don't forget to mention the deadline, in which they have to submit their

#### **Requirement**

1. Proceedings Book
2. Verification Report along with the Sketch Map
3. Claim Forms

5. Put the sketch map and summary of individual claims in the central place of village for opinion of the villagers
6. Wait till the final date as mentioned in the letter.

#### **Requirement**

1. Dispatch Register
2. White Paper (for Writing Letter)
3. 1st Draft Report of Forest Rights Claim as adopted in the Gram Sabha/  
Palli 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**

1. After completion of the time period, write a letter to Gram Panchayat for convening final Gram Sabha/Palli Sabha with a date, time and venue.
2. Make sure that Gram Panchayat has issued letter in this regard
3. After issuance of notice by Gram Panchayat for final Gram Sabha/Palli Sabha, ensure that the information reached to all adult members
4. Based on the Gram Panchayat, FRC can issue letter to all adult members

5. Share the purpose of the meeting, date, time, venue and take sign from each adult members of the Gram Sabha/Palli Sabha
- Sabha for adoption of Final Forest Rights Claim Report
2. Notice Book

### **Requirement**

1. Letter to Gram Panchayat for convening the final Gram Sabha/Palli

## **Step 5**

### **Final Gram/Palli Sabha for Adoption and Submission of Report**

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 that attendance of all adult women and other requisite formalities are fulfilled like quorum.
3. Share the purpose of the meeting
4. Present the suggestion and comment or feedback received from any interested person or authorities concerned (if, anything came).
5. Give opportunity to persons residing in the Gram Sabha for their opinion.
6. If anything new comes up then try to resolve it at Gram Sabha 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/Palli Sabha has authorized FRC/Panchayat Secretary to submit the final report on Forest Rights Claim to Sub-Divisional Committee on Forest Rights.
9. And submit the report to SDLC, either through Panchayat Secretary or person authorized by the Gram Sabha.
10. Before concluding the meeting, please share the summary of decisions taken and take signature of all the members who attended the Palli/Gram Sabha.

### **Requirement**

1. Proceedings Book
2. Verification Reports (both Individual and Community Claims)
3. Sketch Map
4. Opinion of Interested Persons and Authorities Concerned (if)

## **Final Report**

Before SUBMISSION of Final Forest Rights Claims to SDLC Please ensure that the followings documents are attached:

1. Letter to SDLC
2. Copy of Final Resolution adopted in

Gram/Palli 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)      submit the Community Forest
  5. "A" Form      Right map
  6. "B" Form
  7. Community Forest Rights Claim report      **Important Note**  
including area under protection and      1. Keep Copies of all the documents along  
management by the communities      with the forwarding letter sent to SDLC  
in Palli/Gram Sabha
  8. Sketch map      2. Keep all records in a safe place so that  
in future it would help if any legal  
• if two separate maps are prepared, one      problem arises  
of which is for individual claim and  
the other for Community Forest Rights  
claim, then please give two maps
  - If the village is claiming rights over  
the Community Forest Rights, please



# 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 Gram

Sabha and 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 SDLC constituted under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, can appeal against it.

## When and to whom one can 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 authorizes 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 by receiving claims, consolidating, verifying them and preparing a map delineating the area of each recommended claim. After this Gram Sabha would adopt a resolution and thereafter forward a copy of the same to Sub-Divisional Committee for further action.

This means Gram Sabha is the first authority, who shall receive, 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 resident adults, including the claimants about the date, venue, time and purpose of the meeting.
2. Ensuring adequate representation of STs, PTGs and Pre-agricultural communities:  
In case of heterogeneous villages, where STs, PTGs and Pre-agricultural communities are there, 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 it's 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

Sub-Divisional Committee (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 below.

## ***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 District Level Committee. It clearly mentions that, "no petition shall be preferred directly before the District

Level Committee 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 forestland in another village and has claimed a right over it, and if the concerned Gram Sabha has not duly considered her/his 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 a Person can 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 Sabhas,

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 on 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 of procedural part for hearing of the petition is laid down in the Rules 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

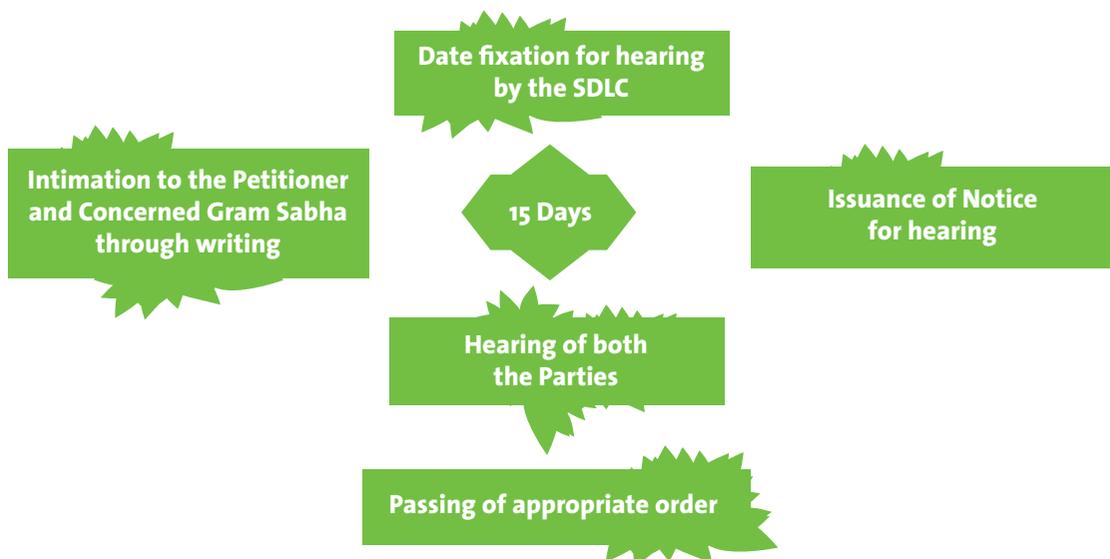
that as per section 6(2) of the Act, SDLC cannot dispose of any petition against a claimant without giving reasonable opportunity to the aggrieved person to present her/his case.

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 it's decision in view of the petition

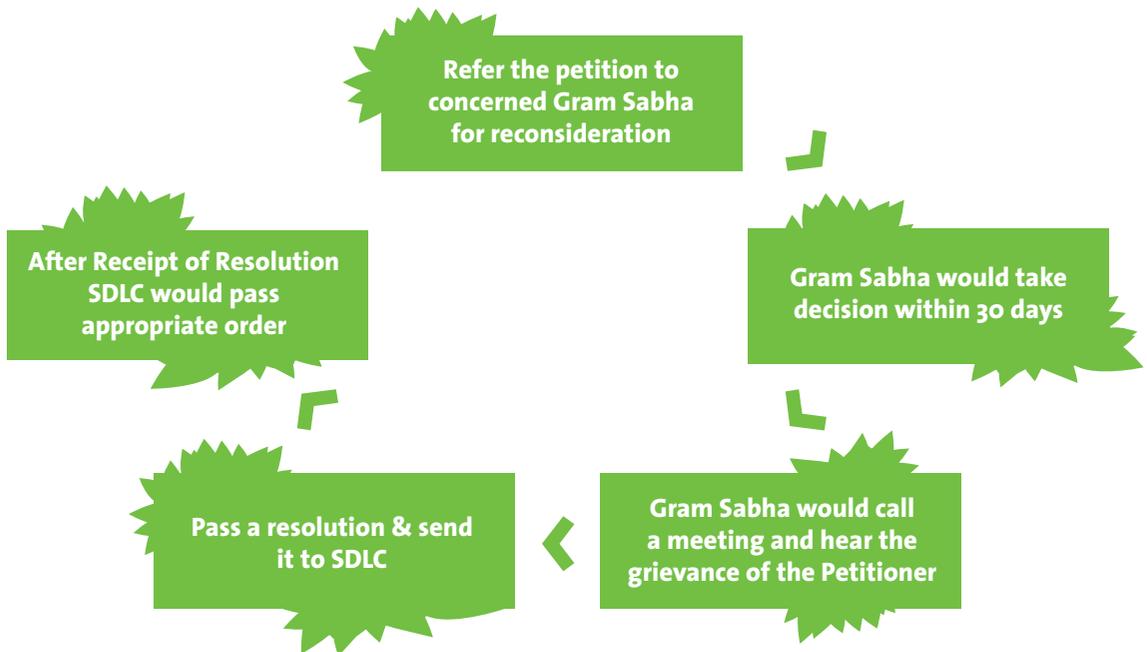
### Direct Hearing of the Petition by SDLC

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 15 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 it's reconsideration.



## 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 the 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 shall 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 preferred by any of the Gram Sabhas or if it is identified by the SDLC on its own, the following procedure would be

followed for resolution:

1. **Joint Meeting of the concerned Gram Sabhas:**  
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.

**Date fixation for  
Joint Meeting**

**Intimation to the  
Concerned Gram Sabhas**

**Joint Meeting for  
resolving the dispute**

2. If Mutual Solution is not reached within thirty days of the Joint Meeting: If no mutually agreed solution is reached within a period of thirty days

then the SDLC shall decide on the dispute after hearing the concerned Gram Sabhas and pass appropriate orders.

**Hearing on the dispute**

**Passing of  
appropriate order**

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

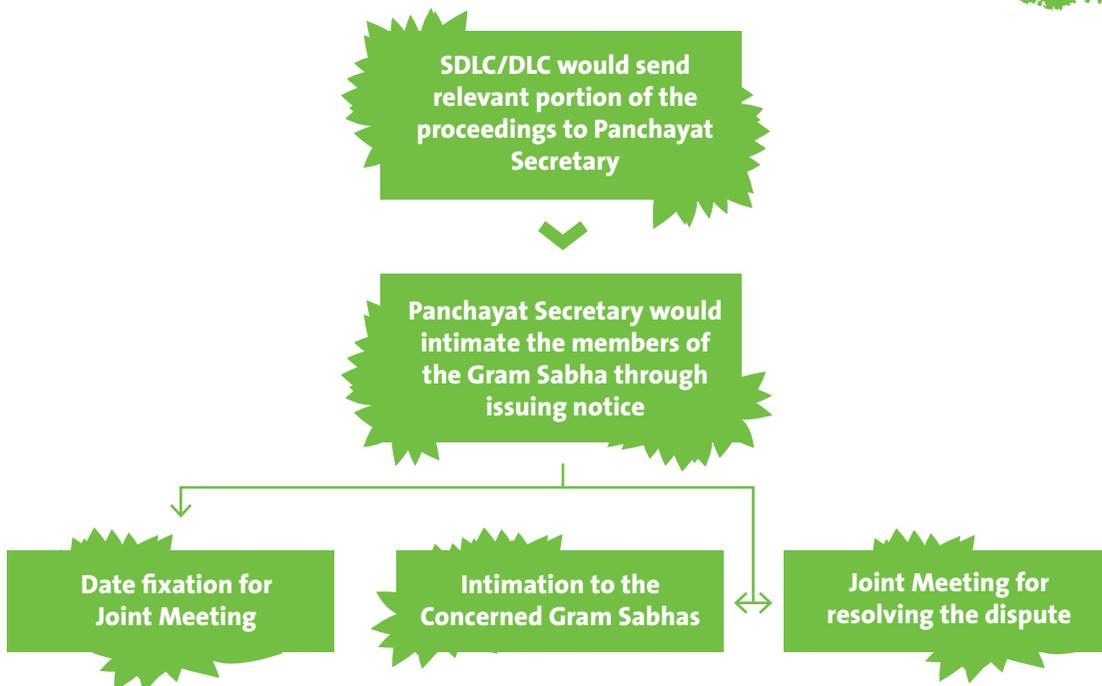
Section 6(4) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 empowers an aggrieved person to appeal to the District Level Committee (DLC) against the decision of Sub-Divisional Committee. Rule 15 of the Rules framed under the Act spells out the procedure 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, Government of Orissa has also 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 DLC 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 proceedings copies of SDLC/DLC concerned Panchayat Secretary would convene a Gram Sabha (for Orissa it is Palli Sabha) where s/he will apprise them on 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 Panchayat Secretary is designated as 'Secretary to Gram Sabha'. Due to the Panchayat Secretary coming under the ambit of section 7, 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 her/him to the State Level Monitoring Committee (SLMC). If the SLMC does not take any action within sixty days, then 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 Gram Sabha and claimants are dis-satisfied with the recommendation of the SDLC, then Gram Sabha needs to authorize Forest Rights Committee to file an appeal to the DLC with proper justification and send the petitions 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 along with the Gram Sabha, the Aggrieved Person also file Petition at DLC?***

There is no bar in this regard. Both Gram Sabha and 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 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 below. It may be changed as per the context.

## **Redressal Mechanism at District Level Committee**

### ***Process of Hearing of Petition at DLC level***

The process of hearing on the petition would start 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 7 (d) and 15(1) of the Rules framed for the Act.

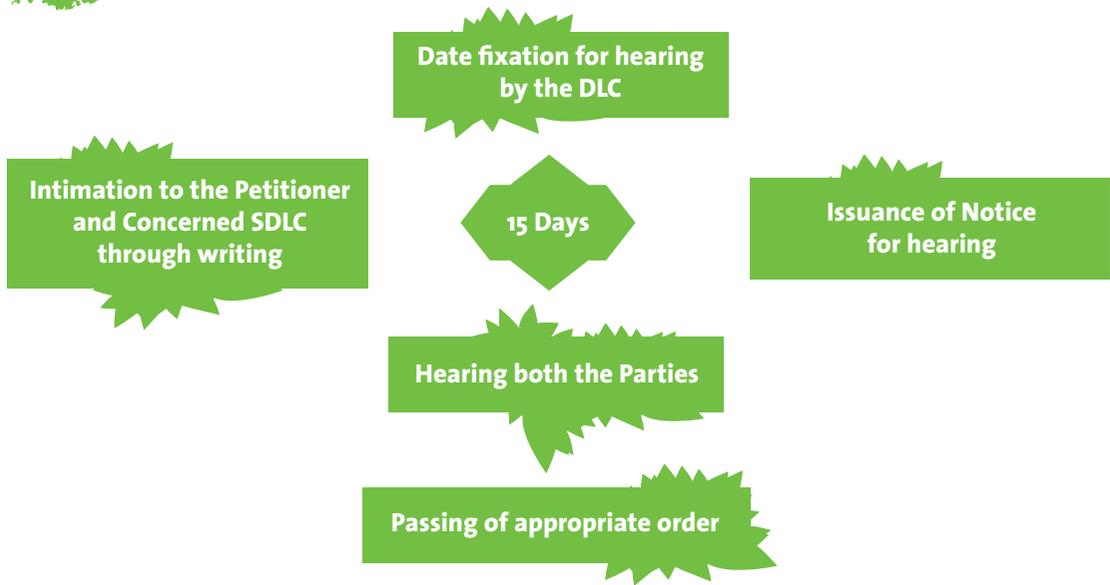
petition by DLC, it needs to be mentioned that as per the section 6(4) of the Act, DLC cannot dispose or reject any petition without giving reasonable opportunity to the aggrieved person to present her/his case.

The detailed of procedural part is for hearing of the petition is laid down in the Rules 15 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2007. But before going to each steps for due consideration of

As per Rule 15, the petition can be heard in the following two ways:

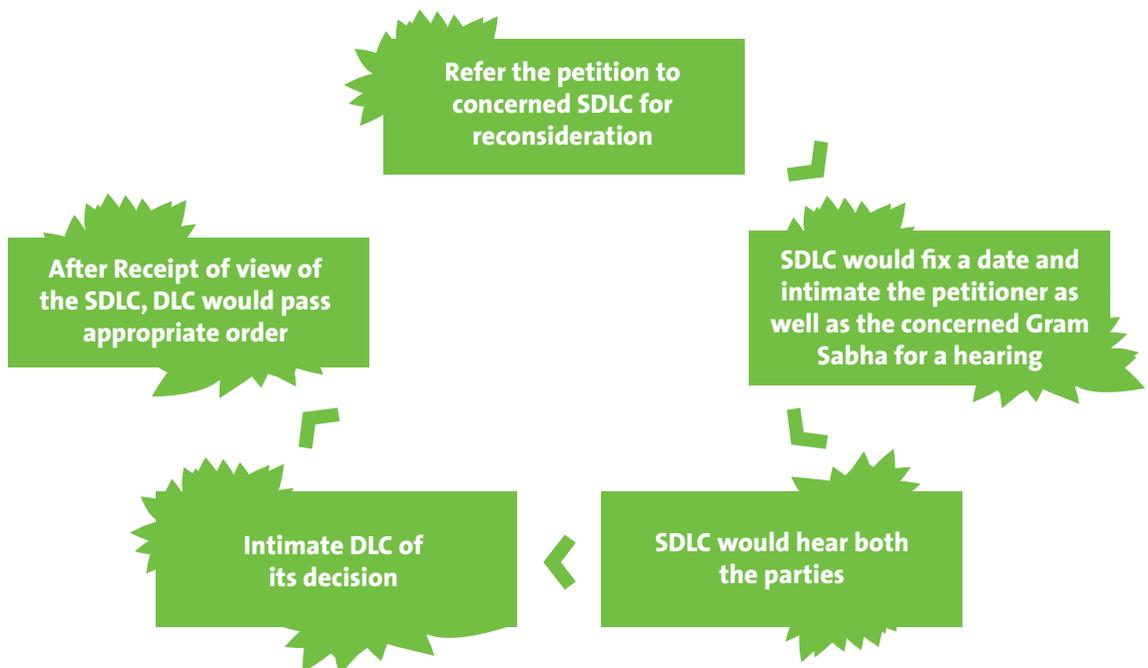
#### **Direct Hearing of the Petition**

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.



**Referring back to concerned SDLC for reconsideration of its decision**

1. After receiving the petition, DLC may refer the petition to 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 he has been given a reasonable opportunity to present his case’.

## ***If, DLC rejects the Petition without giving reasonable opportunity to the Petitioner, then what can the Petitioner do?***

If, the Petitioner feels that DLC has rejected her/his 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.

## ***Safeguards in the Act which strengthen Conservation***

### **1. 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 and 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 responsibility and authority for conservation of forest and biodiversity.

### **2. 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.

### **3. Declaration of Critical Wildlife habitat with 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)).

4. **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.

5. **Empowered Authority for conservation:**

Section 5 of the Act empowers the holders of forest rights, Gram Sabha, and village level institutions to-

- protect the wild life, forest and biodiversity;
- ensure that adjoining catchments area, 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.

In order to carry out the empowered authority provided in 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).

6. **Right based framework for conservation; way forward:**

The Forest Rights Act for the first time recognizes and secures right to conservation of community forest resources. Along with the rights it also provides empowered authority to the communities and Gram Sabhas to carry out the function of conservation.

Rights and empowered authority provided under the Act could be used to,

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

7. **Steps towards right based conservation:**

- Determination and claim on community rights.
- 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).

**It should be noted that Form B which is for community claims miss out the right, so right over CFR should be mentioned under 'Any other information' in the form.**

- Gram Sabha 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 need 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 plan 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.
  - Livelihood, 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 on forest and biodiversity.

- Sustainable livelihood and resource use plan.
- Plan for integrative use of provisions of laws like NREGA, PESA and also government development programs like watershed development, soil conservation, agriculture to include conservation activities planned out by the community. This can ensure productive use of conservation initiative for resource development and for creating gainful employment.

Advocacy to mainstream community conservation plan in the conservation governance process and to make necessary changes in the existing conservation plan and programs so as to bring about convergence and synergy in the action.





# 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 bona fide 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 bona fide 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. 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;
  11. 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. 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;
2. Community rights such as nistar, by whatever name called, including those used in erstwhile Princely States, Zamindari or such intermediary regimes;
3. Right of ownership, access to collect, use, and dispose of minor forest produce which has been traditionally collected within or outside village boundaries;
4. 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;
5. Rights, including community tenures of habitat and habitation for primitive tribal groups and pre- agricultural communities;
6. Rights in or over disputed lands under any nomenclature in any State where claims are disputed;
7. Rights for conversion of Paltas or leases or grants issued by any local authority or any State Government on forest lands to titles;
8. 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;
9. Right to protect, regenerate, or conserve or manage any community forest resource, which they have been traditionally protecting and conserving for sustainable use;
10. 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;
11. Right of access to biodiversity and community right to intellectual property and traditional knowledge related to biodiversity and cultural diversity;
12. 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;
13. 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 President**

**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 her/his 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, 2008, 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**

**President of FRC  
of FRC**

**Secretary**

# Annexure 5

## Sample consolidated claim report format

### Consolidated Claim Report

Receipt No.	Name of the Claimant/ Claimants	Sex	Age	Relation-ship with Claimant	Fathers' Name	Mothers' Name	FDST/ OTFD	Claim		Forest Type			Documen-tary Evidences attached	Remark
								Nature	Extent	Rev. F (Plot No.)	Compartment No.	Coupe No.		

**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:**

Category of Claimant, whether the claimant belongs to Forest Dwelling Scheduled Tribe or Other Traditional Forest Dweller

**Nature of Claim:**

Whether of 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 (forestland 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 R.F, 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 is developed by the SDLC of Gajapati District.



# 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, 2008, you are here by 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**

**President of FRC  
of FRC**

**Secretary**

Copy to; Sub-divisional Committee, Range Officer, Revenue Inspector (if forestland 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 Form Received:**



## **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 Form Submission:**

**Receipt No.:**

**Nature of Claim:**

**Extent of Claim:**

**Location:**

**Documentary Evidences annexed with the Claim Form:**

- 1.
- 2.
- 3.

**Details of Notice(s) issued:**

<b>Date of Notice</b>	<b>Purpose of Notice</b>

**Findings of Field Verification: (Date of verification)**

**Signature of Verification Team Members:**



# Annexure 8

## 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 (3) of Rule 11 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2008 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 (3) of Rule 11 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2008, 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**

**President of FRC  
of FRC**

**Secretary**

Copy to; Sub-divisional Committee, Range Officer, Revenue Inspector (if forestland comes under jurisdiction of Revenue Department)



# Annexure 9

## 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):



# Annexure 10

## Sample Intimation Letter 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 President

\_\_\_\_\_ (mention the name of Village) Forest Rights Committee (exp:- 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 (2) of Rule 11 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2008, 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 complain will be entertained in future.

Yours,

**Signature of**

**President of FRC  
of FRC**

**Secretary**

Copy to; Sub-divisional Committee, Range Officer, Revenue Inspector (if forestland 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 Committee constituted under sub-section (3) and the Sub-Divisional 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 Committee may prefer a petition to the District Level Committee within sixty days from the date of decision of the Sub-Divisional 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 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):**

“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  
(SDLC) 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 7:  
The District Level Committee  
(DLC) shall -**

- (d) hear petitions from persons aggrieved by the orders of the Sub-Divisional Level Committee;

**Rule 10:  
The State Level Monitoring Committee  
(SMLC) 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:**

- (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 11:**

- (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 Copy of the Petition 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 it's 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 her/his 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 Forest Rights Act 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**

World Wide Fund for Nature (WWF) is one of the world's largest and most respected independent 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 has been working on these issues in India for over four decades now.

### **Vasundhara**

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