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THIRUVANANTHAPURAM KOLKATA HYDERABAD CHENNAI BANGALORE AIZAWL

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Ministry of Tribal Affairs

IMPLEMENTATION OF FOREST RIGHTS ACT

PROCEDURE FOR FILING AND VERIFICATION OF CLAIMS

15:34 IST

The Government has accorded a very high priority to the implementation of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act. The State Governments have been asked to publicise provisions of the Act, train the official and constitute relevant committees. The basic unit for the implementation of the Act will be Gram Sabha. The procedure for filing the claims for forest rights, their determination and verification will be as follows:

The Gram Sabhas shall:

- Call for claims and authorize the Forest Rights Committee to accept the claims in the form as provided in these rules and such claims shall be made within a period of three months from the date of such calling of claims along with at least two of the evidences mentioned in the rules, shall be made within a period of three months.
- Provided that the Gram Sabha may, if consider necessary, extend such period of three months after recording the reasons thereof in writing.
- Fix a date for initiating the process of determination of its community forest resources and intimate the same to the adjoining Gram Sabhas where there are substantial overlaps, and the Sub-Divisional Level Committee.
- The Forest Rights Committee shall assist the Gram Sabha in its functions to-

- Receive, acknowledge and retain the claims in the specified form and evidence in support of such claims.
- Prepare the record of claims and evidence including maps.
- Prepare a list of claimants on forest rights.
- Verify claims as provided in these rules.
- Present their findings on the nature and extent of the claim before the Gram Sabha for its consideration.
- Every claim received shall be duly acknowledged in writing by the Forest Rights Committee.
- The Forest Rights Committee shall also prepare the claims on behalf of Gram Sabha for community forest rights.
- The Gram Sabha shall on receipt of the findings under clause (v) and 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 secretary of Gram Panchayat will also act as Secretary to the Gram Sabhas in discharge of its functions.

Process of verifying claims by Forest Rights Committee:

- The Forest Rights Committee shall, after due intimation to the concerned claimant and the Forest Department:
 - Visit the site and physically verify the nature and extent of the claim and evidence on the site.
 - Receive any further evidence or record from the claimant and witnesses.
 - Ensure that the claim from pastoralists and nomadic tribes for determination of their rights, which may either be through individual members, the community or traditional community institution are verified at a time when such individuals, communities or their representatives are present.
 - Ensure that the claim from member of a primitive tribal group or pre-agricultural community for determination of their rights to habitat, which may either be through their community or traditional community institution. are

shall be through their community or traditional community members, and verified when such communities or their representatives are present

- Prepare a map delineating the area of each claim indicating recognizable landmarks.
- The Forest Rights Committee shall then record its findings on the claim and present the same to the Gram Sabha for its consideration.
- 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 claim 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.
- On a written request of the Gram Sabha or the Forest Rights Committee for information, records or documents, the concerned authorities shall provide an authenticated copy of the same to the Gram Sabha or forest rights Committee, as the case may be and facilitate its clarification, if required, through an authorised officer.

Evidence for determination of forest rights:

- The evidence for recognition and vesting of forest rights shall, inter alia, include:
 - (a) public document, Government records such as Gazetteers, census, survey and settlement reports, maps, satellite imagery, working plans, management plans, micro-plans, forest enquiry reports, other forest records, record of rights by whatever name called, pattas or leases, reports of committees and commissions constituted by the government, Government orders, notification, circulars, resolutions.
 - (b) The Government authorised documents such as voter identity card, ration card, passport, house tax receipts, domicile certificates.
 - (c) Physical attributes such as house, huts and permanent improvements made to land including levelling, bonds, check dams and the like.
 - (d) Quasi-judicial and judicial records including court orders and judgements.

(e) Research studies, documentation of customs and traditions that illustrate the enjoyment of any forest rights and having the force of customary law, by reputed institutions, such as anthropological Survey of India.

(f) Any record including maps, record of rights, privileges, concessions, favours, from erstwhile princely States or provinces or other such intermediaries.

(g) Traditional structures establishing antiquity such as wells, burial grounds, sacred places.

(h) Genealogy tracing ancestry to individuals mentioned in earlier land records or recognized as having been legitimate resident of the village at an earlier period of time.

(i) Statement of elders other than claimants, reduced in writing.

- An evidence for community Forest Rights shall, inter alia, include-

(a) Community rights such as nistar by whatever name called.

(b) Traditional grazing grounds, areas for collection of roots and tubers, fodder, wild edible fruits and other minor forest produce, fishing grounds, irrigation systems, sources of water for human or livestock use, medical plant collection territories of herbal practitioner.

(c) Remnants of structures built by the local community, sacred trees, groves and ponds or riverine areas, burial or cremation grounds.

- The Gram Sabha, the Sub-Divisional Level committee and the District Level Committee shall consider more than one of the above-mentioned evidences in determining the forest rights.

NCJ/DT