



## Training Module for Capacity Building on Forest Rights Act 2006 at the Block Level

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## TRAINING MODULE ON FOREST RIGHTS ACT (FRA)



## I. Background:

The Forest Rights Act (FRA) is a historical law to protect the rights of the scheduled tribes and other traditional forest dwellers over the occupied forest land & forest resources. The implementation of FRA has generated a huge sense of ownership and security amongst the forest dwelling communities over the forest land and natural resources. The training is needed to strengthen the capacities of the professionals and the implementers for fair implementation of the Act in the field.

This training attempts to universalize the knowledge on the legal provisions and implementation modalities defined in the Forest Rights Act and subsequent rules. This module also tries to build a holistic perspective of the premise, concepts, definition, processes and delivery mechanisms for effective implementation of the Act to facilitate speedy realization of envisaged benefits to the right holders. This module essentially aims to provide knowledge input while recognizing that the concurrent efforts need to be scaled up for dissemination and translation of such knowledge inputs into the field action.

## II. Objective & Overview of the training:

The training module is intended to strengthen and sharpen the knowledge of the frontline officers (belonging to Departments of Revenue & DM, Forest, Env. & CC, PR & DW & SSD), PRIs, Community Volunteers, FRC/GS members in effective implementation of the Act in their respective areas. It focuses on the legal procedures, claim submission processes for IFR, CFR & CFRR, role of Pallisabha & FRC members, processes of demarcation of traditional boundaries, verification of claim in the field, follow-up the claims to facilitate the claim recognition over forest land in favour of the eligible person and communities.

This will be a hand tool for the members involved in facilitating the Forest Rights Act 2006 at the Block, GPs & village levels.

The objective of the module is to sharpen the understanding on the following aspects and to create trainers at block level:

- a. Salient features of FRA
- b. Rights Recognition process under Forest Rights Act 2006
- c. Institutional mechanism under FRA and the roles and responsibilities of the institutions
- d. Process of record Correction and its incorporation in relevant Govt. records.
- e. Conversion of forest villages into revenue villages
- f. Preparation of tahasil wise action plan

## III. Relevance:

Vasundhara has been working to secure the land rights of the landless persons in general & women in specific. FRA has created a scope to secure the rights of the vulnerable forest dependents and the women in Odisha. This Act has been implemented in the country since last 16 years; still there are gaps to address. The central & state governments have come out with facilitating guidelines and circulars for its effective implementation. Hence it is important that all stakeholders and primarily the grass root level officials, Volunteers and the PRI members need to understand the procedures and mechanisms under FRA and its implementation process to expedite the rights

recognition process of recognition of forest rights of the forest dwelling scheduled tribes and other traditional forest dwelling communities across the state.

The module has the following components:

- Schedule of the training
- Training materials
- Acts, Rules, FAQs, Guidelines, and circulars issued by the government

#### IV. Time Frame:

The module is designed keeping in view one day residential training programme which includes in-house discussions followed by one day field demonstration. The training programme will include open session for sharing of experiences as well as develop the understanding on the provisions and processes of FRA implementation from the sessions. The field exercise will be done to demonstrate the process to be followed at village level for implementation of FRA.

Altogether 7 hours of time is required over two days which includes refreshment times i.e. Tea & Lunch breaks.

#### V. Target Group:

This training module is prepared exclusively for capacity building of all frontline officials (RIs/Amins/Forester/ Forest Guards, PEOs/Sarpanchs/Community Volunteers), Gramsabha & FRC members on FRA implementation process.

#### VI. Training Schedule:

Schedule of the training

Training Sessions	Topics for discussion	Time Period	Total Time (in minutes)
<b>7 hrs</b>			
<b>Inaugural Session: Introduction to the Act and its key provisions and State Sector Scheme, 'Mo Jungle Jami Yojna'</b>	• Registration of Participants	10.00 am to 10.30 am	30
	• Welcome Address: WEO/Cell Coordinator	10.30 am to 10.40 am	10
	• Formal Inauguration by Dignitaries		
	• Address by the Chief Guest	10.40 am to 10.50 am	10
	• Setting the Context: Salient Features of FRA	11.50 am to 11.00 am	10
	• Objective of State Sector Scheme- MJJY	11.00 am to 11.10 am	10
	• Institutional Mechanism under MJJY	11.10 am to 11.25 am	15
	• Vote of Thanks	11.25 am to 11.30 am	05
<b>Tea Break</b>		11.30 am to 11.45 am	15
<b>Process of determination and verification of</b>	• Typology of Forest Rights and difference between IFR, CR and CFR Rights	11.45 am to 12.15 pm	30

**Schedule of the training**

Training Sessions	Topics for discussion	Time Period	Total Time (in minutes)
<b>Individual and Community Rights</b>	Step-by-step process of Determination and consideration of IFR and Discussion of Form-A	12.15 pm to 12.45 pm	30
	Step-by-step process of Determination and consideration of Community Rights and Discussion of Form-B & Form -C	12.45 pm to 01.15pm	30
	Queries or clarification on the processes described above	01.15pm to 01.30 pm	1`5
<b>Lunch Breaks</b>		1.30 pm to 2.15pm	45
<b>Post claim support, demarcation &amp; incorporation of rights in Govt records</b>	Post Claim Support to Rightsholders	2.15 pm to 2.35 pm	20
	Demarcation and incorporation of the rights in Govt. Records	2.35 pm to 2.55 pm	20
	Group Exercise with the Volunteers, FRC members & PRIs <ul style="list-style-type: none"> <li>• Claim filing process</li> <li>• Field verification</li> <li>• Resolutions of Gram Sabhas along with FRC Formation</li> </ul> Hand Map Preparation and GIS Mapping	2.55 pm to 4.45 pm	110
	Concluding & photo session	4.45 pm to 5.00 pm	15

**A- Session Details**

Pre-lunch Session: Salient features of FRA, Objective of MJJY & process of determination & consideration of IFR,CR & CFR.

*A. Objectives of the session*

- Inauguration of the training program under MO JUNGLE JAMI YOJANA
- To develop an understanding of the Forest Rights Act 2006 and the rules made under therein, especially the objective of the Act, Definitions, Chapters and relationship between an Act and Rules.
- To enable the participants to be made aware of the key features of the Act and Rules roles.
- To develop an understanding among the participants of the training program on the Institutional Mechanism and functions of each Institutions (Committees) under the Forest Rights Act 2006 and the rules made under therein, especially, the Gram Sabha, Forest Rights Committee, Sub-Divisional Level Committee, District Level Committee and State Level Committee.

- To enable the participants to be made aware of the functions of each Committee and Other Government Departments, particularly The Forest Department, Revenue Department, SC & ST Development Department and Panchayati Raj Department.
- To enable the participants to link the State Sector Scheme, 'Mo Jungle Jami Yojna' with the Forest Rights Act 2006.
- To develop an understanding on the process of determination and consideration of Individual Forest Rights Community Rights and Community Forest Resources Rights.
- To enable the participants to know about their role and responsibilities for facilitation of Individual as well as Community Rights in their intervention Areas.
- To develop an understanding of the provisions for the post-claim support for the Forest Rights title holders, the process of its planning, execution and role of line Departments.
  - To enable the participants to know about their roles and responsibilities & the actions to be initiated by them.
  - To ensure that continued supports for all the IFR title holders are extended in a phased & planned manner, so that livelihoods of the title holders are improved & strengthened.
  - To arrest the migration of any family member of the right holders seeking job outside and provide livelihood support as per their ingrained and acquired skill & capabilities.

#### *B. Learning Outcome*

- Participants developed their understanding about the premise of the Act, Rules, and its key features.
- Participants able to link between the Forest Rights Act and State Sector Scheme, 'MJJY'.
- Participants developed their understanding on role and responsibilities of each Committees constituted under the Act and rules made thereunder.
- Participants able to link Institutional Framework with the State Sector Scheme, 'MJJY'.

#### *C. Duration of the Session: 340 minutes including lunch & Tea break*

#### *D. Material Required*

- Projector
- White board, marker
- Copies of the Act and Rules
- Sound Box

#### *E. Method*

- Short Clipping on FRA
- Case Study Analysis
- PPT based Lecture.
- Open Discussion

#### *F. Time Plan of the Session*

- Welcome Address, Formal inauguration & address by the Chief Guest (20 minutes)
- Address of the Chief Guest (15 minutes)
- Setting of the Context: Salient Features of the Act and Rules (10 minutes)
- Objective of MJJY (10 minutes)
- Institutional Mechanism under FRA & MJJY (15 minutes)
- Typology of FRA & difference between IFR, CR & CFR-(30 minutes)
- Step by step process of determination & consideration of IFR- (30 minutes)
- Step by step process of determination & consideration of CR & CFR- (30 minutes)
- Queries or clarification on the Topic discussed (15 minutes)
- Post claim support to right holders (20 minutes)
- Demarcation & record correction of the rights vested- (20 minutes)
- Group exercise with the participants (110 minutes)
- Concluding session (15 minutes)

#### *G. Points for debriefing for the facilitator – Power point presentation*

- Historical Injustice during colonial and post-independence era, exploitation forest resources
- Various acts and legislations by the Imperial Forest department took control of the forest, forest produce and forest resources.
- The rights and privileges of the forest dwelling community were considered as concessions.
- Eroded the legitimacy of communities' claims on the forest and commons.
- Importance of forest as government property and for revenue generation
- Forest laws & Policies in post independent period - No attention to forest-inhabitants and forest-dependent communities
- In 1988, the National Forest Policy sought the involvement of people living in forests in their management and conservation.
- In 1991, MoEF, issued a Six set of guidelines for regularization of forest land under occupation and conversion of forest villages into revenue village.
- JFM as way to involve the forest dwellers as beneficiaries.
- The PESA Act 1996 recognized the customary rights of Scheduled Tribes in and over the customary resources including right over MFPs.
- The Biodiversity Act 2002 acknowledged the importance of local people's participation.
- MoEFCC issued an order to evict the people who encroached on the forest land.
- The Government of India introduced a Bill to recognize and vest forest rights to Scheduled Tribes in 2005.
- The Bill forwarded to Joint Parliamentary Committee for consideration and recommendation.

- The Bill renamed as “The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Bill 2006
- In 2006, the Parliament of India passed the Bill and got assent of Hon’ble President of India and notified.
- The Ministry of Tribal Affairs constituted a task force for drafting Rules.
- The Act came into force on 31<sup>st</sup> of Dec 2007 and Rules 1<sup>st</sup> of Jan 2008, and rules further amended in 2012.
- The Act provides a framework for recording of the pre-existing forest rights.
- The Act & rules elaborately defined the key words used in the Act i.e. forest rights, forest land, Minor Forest Produce, Forest Dwelling Scheduled Tribes, Other Traditional Forest Dwellers, Gram Sabha, Village, Community Rights, Claimant, Bonafide Livelihood, Disposal of Forest Produce and etc.
- The Act consists of six chapters.
- Rights must be recognized on all Forest land including Reserved Forest, protected forest, unclassified forest, un-demarcated forest, notified forest, Sanctuaries and National parks.
- Gram Sabha is the key authority to initiate the process of determination of nature and extent of forest rights.
- There are 4 types of institutions (Gram Sabha, SDLC, DLC and SLMC) with distinct functions.
- Gram Sabha is the key authority to initiate the process of determination of nature and extent of forest rights.
- **“Gram Sabha” means a village assembly** which shall consist of all adult members of a village.
- **All forest or un-surveyed villages are to be considered as Gram Sabha.**
- **In Odisha, Pali Sabha means Gram Sabha.**
- The Forest Rights Committee is a body elected or selected by the Gram Sabha.
- The FRC is to assist the Gram Sabha in determination of nature and extent of Forest Rights.
- The FRC shall consists of 10 – 15 members of concerned Gram Sabha with a 2/3<sup>rd</sup> representation of Scheduled Tribes and 1/3<sup>rd</sup> of women as member of the Committee.
- The Ministry of Tribal Affairs, Govt. of India has clarified that in Forest Villages, the FRC can be constituted with less than 10 members if sufficient households are not there.
- Section 5 of FRA, wherein duties of the forest rights holders under FRA have been enumerated.
- Rule 4 (1) (e) of the amended Rules,2012, which emanates out of Section 5 of FRA.
- Amended FR Rules (Rule 16), which provides for post claim support to the right holders and require the State to ensure that all Govt. schemes/programs including those for land improvement, land productivity, basic amenities and other livelihood measures are converged on the right holders as per their capabilities.
- Guidelines dated 12.04.2016 of the SSD Department, Odisha on effective implementation of convergence programs for forest rights holders under FRA, 2006.
- Understand the FRA implementation processes
- Develop the various mechanisms of FRA claim submission and verification processes
- **Major functions of the Gram Sabha**
  - Constitution of FRC
  - Determination of nature & extent of Forest Rights

- Approval of Claims related to Forest Rights
- Conflict Resolution & Hearing of Petitions
- Constitution of Committee for Protection of Wildlife, Forests and Biodiversity
- Approval of Plan for Conservation of Forests, wildlife, and ecological sensitive areas
- Protection of Forest Rights conferred under the Act.
- Issuance of TT permit
- Consent for diversion of Forestland for non-forestry purpose
- Consideration and Approval of Resettlement package (CWH)
- Consideration & Approval of projects related to Section 3(2)
- **Key Functions of the Forest Rights Committee:**
  - Receive Claim form from Claimant.
  - Provide acknowledgement receipt to Claimant.
  - Maintain Records related to Claim (Claimant Register, Proceedings, files etc.)
  - Intimate to the Claimant, FD, Revenue Dept. about date of verification
  - Record on sight evidence
  - Prepare and share verification report to the Claimants, Neighboring Villages, Forest and Revenue Department for their opinion.
  - Determination of Community Rights and Community Forest Resources Rights on behalf of the Gram Sabha.
  - Presenting Final Report before the Gram Sabha for consideration
  - Help Gram Sabha in preparing consolidated report to be forwarded to SDLC.
  - Any other responsibility entrusted by the Gram Sabha
- **Key functions of Sub-Divisional Level Committee**
  - Creation of Awareness on the provisions of the Act and Rules
  - Ensure Participation of Women and PVTGs
  - Provide Claim Forms and relevant records & information as required by GS
  - Consideration and approval of resolutions forwarded by GS
  - Intimation to GS related to modification or rejection of claim.
  - Conflict Resolution & Hearing of Grievance Petitions
  - Consideration and approval of resolutions forwarded by GS
  - Preparation of Draft RoR and forward it to DLC.
  - Co-ordination with other SDLCs (overlapping cases)
  - Ensure holding of free and fair Gram Sabha
  - Co-ordination with line departments
  - Intimation of decisions taken in the SDLC to concerned Gram Sabhas
- **Key functions of District Level Committee**



- Co-ordination and Monitoring of the process for effective implementation of various provisions as laid down under the Act
- Ensure presence & participation of PVTGs, Nomadic Tribes and Pastoralists & facilitate recognition of Habitat Rights of PVTGs
- Consideration and approval of Claims forwarded by SDLC.
- Conflict Resolution & Hearing of Petitions
- Intimation to GS related to modification or rejection of claim.
- Issuance of direction for incorporation of rights in Govt. records & ensure its publication and distribution.
- Consideration and Approval of proposals related to Sec. 3.2 of the Act, if rejected by DFO
- Co-ordination with other DLCs
- Intimation of Gram Sabha's decisions taken related to the Forest Rights
- Written intimation to the Claimant/ Gram Sabha, in case of rejection or modification of claim.
- Implementation of Resettlement package & Livelihood Plan approved by Gram Sabha
  
- **Key functions of State Level Monitoring Committee**
  - Co-ordination with the line departments and Development of Criteria for effective Monitoring & Implementation of the Act
  - Issue appropriate directions to ensure presence & participation of PVTGs, Nomadic Tribes and Pastoralists & facilitate recognition of Habitat Rights of PVTGs
  - Issuance of Directions/ clarifications for effective implementation of the Act
  - Hearing of petitions filed under Sec. 7 of the Act and Actions thereof
  - Monitoring of resettlement from CWH
  - Ensuring rights of displaced Person
  - Proper implementation of various Govt. Programs and Schemes meant for upliftment of STs and OTFDs
  - Reporting to MoTA, Govt. of India on progress of the Forest Rights Act implementation
  
- **Role of the ST and SC Development Department**
  - Issue clarifications, if required for smooth implementation of the Act
  - Ensure the SLMC meeting is happening at a regular interval.
  - Monitor the progress of implementation of the Act.
  - Ensure coordination among the line departments.
  - Ensure that the Community Forest Resources Governance and Management Committees constituted in all villages vested with the Community and Community Forest Resources Rights
  - Ensure effective implementation of various special provisions like Recognition of Habitat Rights, Conversion of Forest Villages into Revenue Villages, Distribution of authenticated copies of RoR, rights of displaced communities, effective implementation of plan approved by the Gram Sabha in case of relocation of villages from the Protected Area Networks

- Ensure post convergence of various government programs and schemes for socio-economic development of forest right holder/ Gram Sabha
- **Role of Other Government Departments**
  - On 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 and facilitate its clarification, if required, through an authorized officer.
  - On the receipt of intimation from the Forest Rights Committee, the officials of the Forest and Revenue departments shall remain present during the verification of the claims and the verification evidence on site and sign the proceedings with their designation, date and comments, if any.
  - Provide maps, Voter lists or any other records or information required by the Gram Sabha
  - Ensure necessary corrections made in the government records and copy of authenticate RoR provided to the Gram Sabha/ Claimants.
- The Gram Sabha shall constitute the Forest Rights Committee and Community Forest Resources Governance and Management Committee.
- Gram Sabha is a quasi-judicial body under the Act.
- On a written request of the Gram Sabha or the Forest Rights Committee for information, records or documents, the concerned authorities shall provide authenticated copies of the same.
- The SDLC or DLC shall consider the evidence specified in rule 13 while deciding the claim and shall not insist upon any particular form of documentary evidence.
- Rights conferred under the Act are heritable but not alienable or transferable.
- Rights to be registered jointly in the name of both the spouses in the case of married persons and in the name of the single head, in the case of a household headed by a single person and in the absence of a direct heir, the heritable right shall pass on to the next of kin.
- Gram Sabha or person authorized by the Gram Sabha will issue TT permit for transportation of MFPS.
- The collection of minor forest produce shall be free of all royalties or fees or any other charges.
- The Gram Sabha or any right holder to protect and conserve forests, forest biodiversity and cultural heritage.
- The Gram Sabha can stop any activities which are detrimental to forests, wildlife and cultural diversity.
- DLC to provide support to SDLC and Gram Sabha.
- The DLC is the final authority to take decisions on Forest Rights.
- The SLMC shall monitor resettlement of people, relocated for Critical Wildlife Habitat.
- The SLMC shall take appropriate action against the violators.
- Decision requires 50% quorum at Gram Sabha with 1/3<sup>rd</sup> representation of Women.
- Claims cannot be rejected or modified without giving a reasonable opportunity to present his/her case.
- No eviction till completion of recognition of forest rights.
- The Act overrides other Acts and Rules, which do not complement the provisions of the Act.

- Every member of the authorities (Gram Sabha, Forest Rights Committee, Sub-Divisional Committee, District Level Committee, State Level Monitoring Committee) and every other government officer exercising any of the power conferred by or under this Act shall be deemed to be Public Servant.
- Any Authority or Committee or officer or member of such authority or Committee contravenes any provisions of the Act, rules made thereunder concerning recognition of forest rights, shall be deemed to be guilty of an offence under this Act and shall be liable to be proceeded.
- The Government of Odisha launched a State Sector Scheme, 'Mo Jungle Jami Yojna' with an aim to ensure livelihood and food security of the Forest Dwelling Scheduled Tribes and Other Traditional Forest Dwellers through recognition of forest rights under the Forest Rights Act 2006.

#### *H. Tips for Facilitator/trainer*

- The trainer may start the session with a few questions related to harassment of local communities by the Forest Department.
- The trainer may link the story or case narrated by any participants on harassment or can start with a case study or short clipping, which is narrating the injustice happened to forest dwelling scheduled tribes or other traditional forest dweller during the colonial and post-colonial regime.
- It would be nice if the presentation can carry photographs which explain the subject matter of the concerned slide.
- The trainer may use flow charts or process charts or timelines to explain the historical injustice and forest laws.
- The trainer shall introduce the law and its provisions briefly as other sessions will deal with it extensively.
- The trainer may start the session with a few questions related to the last session.
- The trainer shall explain to the participants about the functions of each body/Committee constituted under the Act.
- The trainer shall explain role of other government institutions and Gram Panchayat
- The trainer shall explain role of National and State Nodal Agency.

#### *I- Reference Materials for Trainer*

- The Indian Forest Act, 1865 – 1927
- The Odisha Forest Act 1972
- The Wildlife Protection Act, 1972
- The Forest (Conservation) Act, 1980
- Guidelines issued by the MoEF in 1991
- Administrative Report of Forest Department
- The Major Survey and Settlement Report of Orissa
- The 29<sup>th</sup> report of the NCST Commission
- The National Forest Policy, 1952 and 1988
- The PESA, 1996
- The Biodiversity Act, 2002

- The Hon'ble Supreme Courts interim orders of T.N. Godavarman
- The Forest Rights Act and Rules
- Clarifications and circulars issued by the State and Central Government pertaining to the Forest Rights Act
- Guidelines issued by the Nodal department for the Mo Jungle Jami Yojna
- Frequently Asked Questions