

F.No.23011/18/2015-FRA (Pt.)

Government of India  
Ministry of Tribal Affairs

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Room No. 281-F, August Kranti Bhawan  
Bhikaji Cama Place, New Delhi-110066

Dated: 9<sup>th</sup> September, 2015

To  
The Commissioner cum Secretary to the Government of Assam,  
WPT & BC Department, Dispur,  
Guwahati.

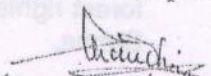
Subject: The implementation of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (FRA) in Hill District of Assam - regarding.

Sir,

I am directed to refer to your letter No.TAD/BC/303/2010/Pt/32 dated 6.7.2015 on the above subject and to say that as per Section 2(g) of the Forest Rights Act, 'Gram Sabha' means a village assembly consisting of all adult members of a village and in case of States having no Panchayats, Padas, Tolas and other traditional village institution and elected village committees, with full and unrestricted participation of women. Thus, it is quite evident that even if there is no Panchayat, there should be a Gram Sabha or village assembly as it is the authority to initiate the process of determination of rights as per Section 6(1) of FRA, 2006.

2. Further, Rule 5(c) and Rule 7(c) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2008 as amended up to date, wherein inter alia the composition of Sub-Divisional Level Committee (SDLC) and District Level Committee (DLC) respectively are laid down, it is clearly brought out that in areas covered under Sixth Schedule to the Constitution where there are no PRIs, the Members of the SDLC and DLC are to be nominated by the Autonomous District Council or Regional Council or other appropriate zonal level body.

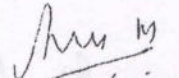
3. Since the Autonomous District Council is a Constitutional body and is also vested with the power to nominate members to the SDLC and DLC under FRA, the same body may exercise its authority to convene the first meeting of the Gram Sabha or village assembly, by whatever name called, in the two hill districts of Assam namely, Karbi Anglong and Dima Hasaon. The Gram Sabha or village assembly can convene subsequent meetings on its own initiative.

  
(Roopak Chaudhuri)

Deputy Secretary to the Government of India  
Tel. No.26182428

7. Implementation of the Forest Rights Act in a haste may lead to perpetuation of the historical injustice against forest dwelling Scheduled Tribes and other traditional forest dwellers which the Act seeks to correct. Therefore the State Governments are requested to undertake realistic estimates of the pending work, including estimation of potential claimants/villages and potential areas for recognition and vesting of forest rights. On this basis a detailed plan should be drawn up including all the steps required for implementation of the Forest Rights Act and implement it in a time bound manner.

Yours sincerely,

  
(Ashok Pai)

**Shri Rajiv Gauba,**  
Chief Secretary,  
Government of Jharkhand,  
1st Floor, Project Building,  
Dhurwa,  
Ranchi – 834 004