

Genesis of the Act

Key Features of Act & Rules

Premise of the Act

Pre-Colonial Regime

Governance centered around common property regimes with prevalence of customary/traditional rules, regulations, practices (mostly community or village based) for access, use and conservation of forests.

During Colonial Regime

- Large extent of Commons with forest tracts were declared as Reserved Forests
- Rights settlements were not carried out as required under the then laws

Curtailment of rights, Loss of traditional entitlement and livelihood, disempowerment, loss of community ownership affecting community based systems of management and governance of forests

POST INEPENDENCE

"Commercial interests the then British Government motivated it to declare more and more lands as reserved forests, without ascertaining the rights of the tribals and other forest dwellers.

Even after Independence, during the process of amalgamation of princely states, the activity of consolidation of government forests continued.

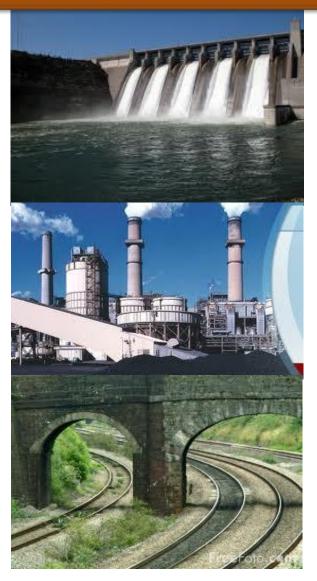
The State Governments/ UT proclaimed the lands of ex-princely states and zamindar-lands as Reserved Forests.

No effective steps were taken to simultaneously settle the rights of tribals and other forest dwellers

As a result, the rural people, especially tribals and forest dwellers who have been living in the forests since time immemorial, have came to be erroneously looked upon as encroachers of forest land."

POST INEPENDENCE

Alienation in the name of DEVELOPMENT



- Millions of Forest Dwelling
 Communities displaced without
 any compensation, as
 forestland considered "State
 Property" (50 millions people
 displaced of which >60%
 belongs tribal communities,
 N.C. Saxena)
 - Developmental and conservation projects

Discontentment amongst the Forest Dwelling

Communities aggravated after issuance of letter by

MoEF on 5th May 2002 to evict all people those are
encroaching forest land by end of Sept 2002





Forest Rights Act, 2006

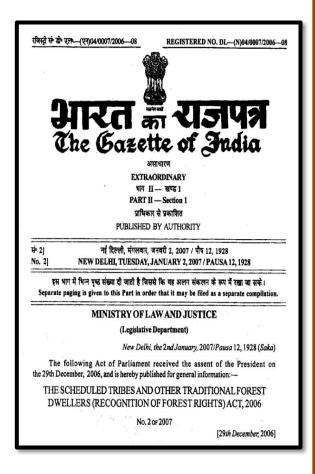
An Act to recognise and vest the forest rights and occupation in forest land in forest dwelling Scheduled Tribes and other traditional forest dwellers who have been residing in such forests for generations but whose rights could not be recorded; to provide for a framework for recording the forest rights so vested and the nature of evidence required for such recognition and vesting in respect of forest land.

Whereas the recognised rights of the forest dwelling Scheduled Tribes and other traditional forest dwellers include the responsibilities 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 forest dwelling Scheduled Tribes and other traditional forest dwellers;

AND WHEREAS the forest rights on ancestral lands and their habitat were not adequately recognised in the consolidation of State forests during the colonial period as well as in independent India resulting in historical injustice to the forest dwelling Scheduled Tribes and other traditional forest dwellers who are integral to the very survival and sustainability of the forest ecosystem:

AND WHEREAS it has become necessary to address the long standing insecurity of tenurial and access rights of forest dwelling Scheduled Tribes and other traditional forest dwellers including those who were forced to relocate their dwelling due to State development interventions.

Timeline of the Act and Rules



- The Scheduled Tribes (Recognition of Forest Rights) Bill, 2005 Introduced in Parliament on 13th Dec 2005
- The title of the Act, renamed as The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 and passed by Parliament on 19th Dec 2006 and got assent of President of India on 29th Dec 2006.
- The Act notified in The Gazette of India on 02 January, 2007.
- The Act came into force w.e.f 31 Dec 2007.
- The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2007 notified in The Gazette of India on 01 January, 2008.
- The Rules, 2007 further amended and notified in the Gazette of India on 6th Sept 2012

The Act aims to

- Address tenurial insecurity
- Ensure livelihood and food security
- Protect customary/ traditional rights
- Protect traditional knowledge and intellectual property relating biodiversity and cultural diversity
- Provide legal recognition to age old community conservation initiatives
- Conserve the common forest and biodiversity resources which are threatened by destructive activities
- Establish democratic institutions at the community level, empowered for conservation and management of resources
- Provide basic developmental facilities to the communities

Key Focus of the Act



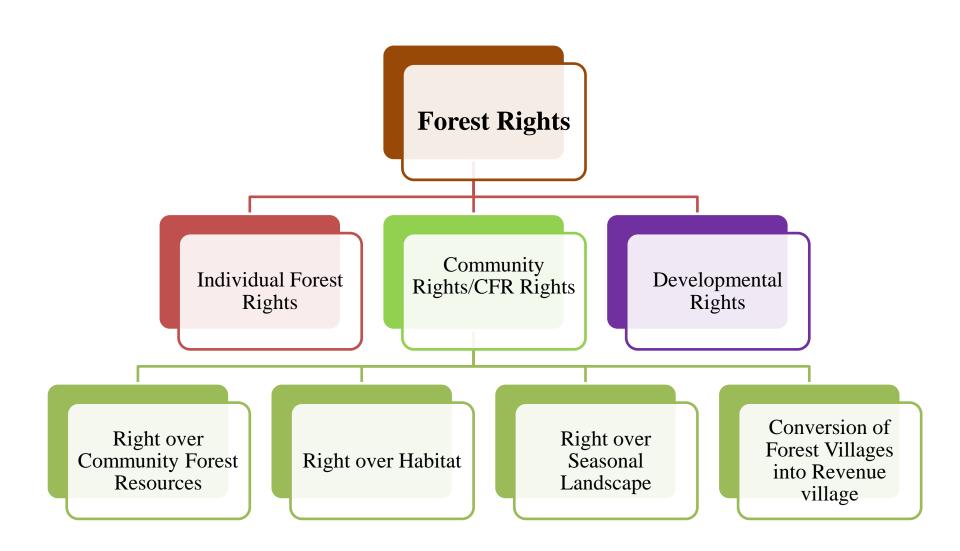
Applies to all type of Forest Land

• FRA applies to all types of forest land, which includes land of any description falling within any forest area and includes unclassified forests, un-demarcated forests, existing or deemed forests, protected forests, reserved forests, sanctuaries, national parks and tiger reserves.

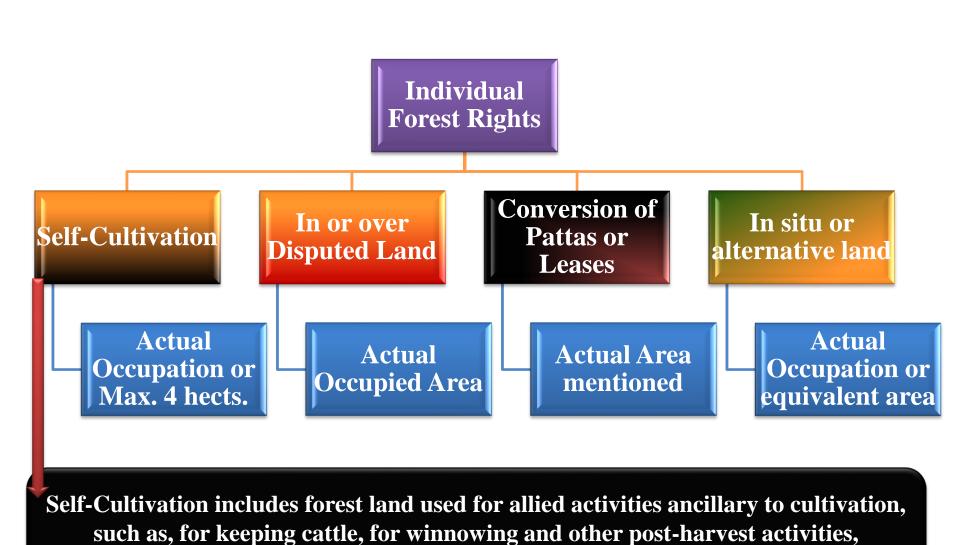
Who are eligible

- Occupied forest land before 13th day of December, 2005.
- Forest Dwelling Scheduled Tribes primarily reside in and depend on forest or forest lands for bonafied livelihood needs.
- Other Traditional Forest Dwellers any member or community who has for at least three generations prior to the 13th day of December, 2005 primarily resided in and who depend on forest or forest lands for bonafide livelihood needs.
- Bonafied livelihood needs means fulfillment of livelihood needs of self and family through exercise of any rights specified in Sec. 3 (1).

Typology of Forest Rights

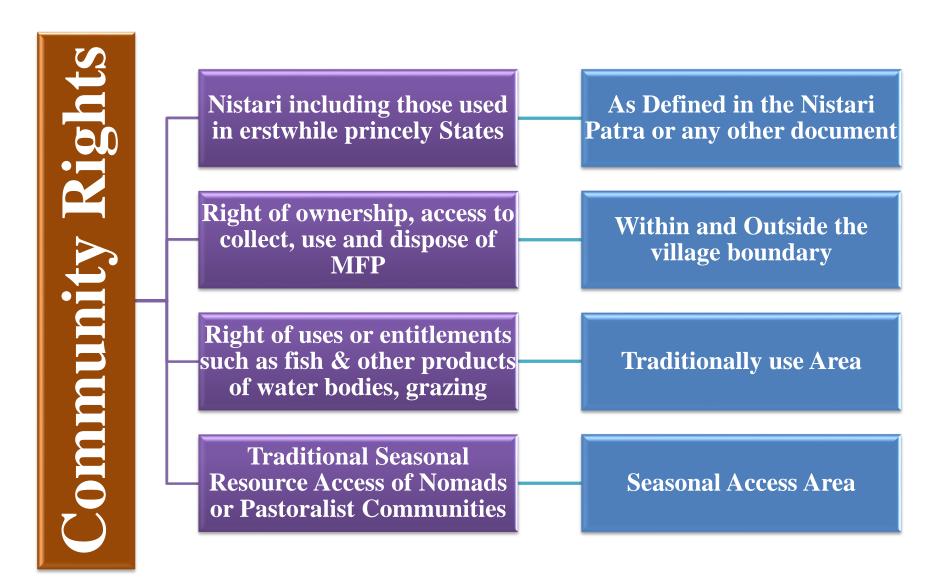


Nature and Extent of Forest Rights



rotational fallows, tree crops and storage of produce [12.A.(8)]

Nature and Extent of Forest Rights



Nature and Extent of Forest Rights

Community Righ

Community Tenures of Habitat and Habitation for PVTGs & Pre-agricultural communities

Customary Boundary of such Community

Right of Settlement and Conversion of Forest villages, unsurveyed villages, etc. Actual Land-use of the village in its entirety including land required for current & future community uses

Right to protect, regenerate or conserve or manage any Community Forest Resource

Customary Common Forest Land within the traditional or customary boundary of the village

Rights accepted as rights of tribals under any traditional or customary law

As defined in the Traditional or Customary Law of such tribe

Access to Biodiversity and community right to IP & TK related to Biodiversity & Cultural Diversity

Developmental Rights (Facilities Managed by Government)



















Electric or Telecommunication Lines



Non-conventional source of Energy



Skill Upgradation or Vocational Training Centers



Road

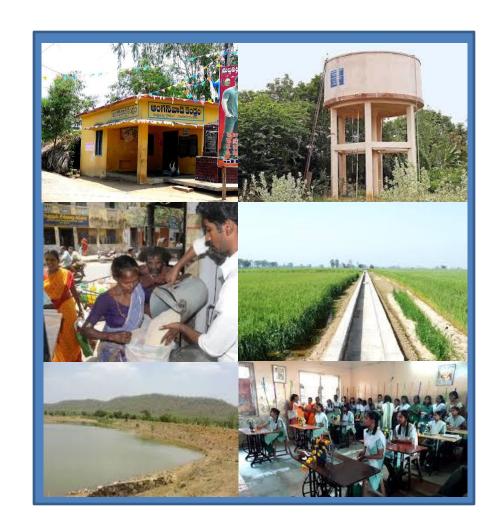


Water or Rain Water Harvesting Structures

Developmental Facilities

Conditionalities for Diversion of Forest Land under Section 3(2):

- Extent of Land shall be one or less than one hectare in each case
- If requires felling of trees than maximum 75 trees can be felled per hectare
- Gram Sabha's approval/ recommendation is mandatory



Evidence for determination of forest rights (individual)

- (a) Gazetteers, Census, Survey and Settlement reports/maps, satellite imagery, working plans, management plans, micro plans, forest enquiry reports, other forest records, pattas or leases, reports of committees and commissions constituted by Govt.
- (b) Voter identity card, ration card, passport, house tax receipts, domicile certificates
- (c) House, huts improvements to land including leveling, bunds, check dams, etc
- (d) Quasi-judicial and judicial records including court orders and judgments
- (e) Research studies, documents of customs and tradition that illustrate enjoyment of forest rights by reputed institutions
- (f) Record of rights, privileges, concessions, favours from erstwhile princely States.
- (g) Traditional structure such as wells, burial grounds, sacred places
- (h) Genealogy as having been legitimate resident of the village at an earlier period of time
- (i) Statement of elders other than claimants in writing.

Evidence for Community Forest Rights

- (a) Community rights such as nistar
- (b) Traditional grazing grounds, areas for collection of roots and tubers, fodder, wild edible fruits and other MFP, fishing grounds, irrigation systems, sources of water for human or livestock use, medicinal plant collection territories of herbal practitioners.
- (c) Remnants of structures built by the local community, sacred trees, groves and ponds or riverine areas, burial or cremation grounds.

No. of evidence to be considered by Gram Sabha, SDLC, DLC.

More than one of the above mentioned evidences to determine the forest rights (both for individual and community)

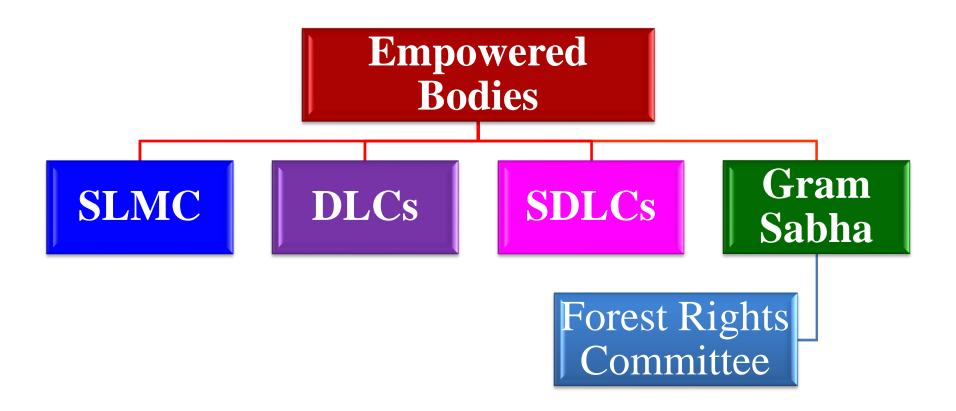
Nodal Agency:

• Tribal Welfare Department has been made Nodal Agency for the implementation of RoFR Act, 2006 in the State.

Nodal Officers:

- District Level ITDA Areas Project Officer, ITDA.
- District Level non ITDA areas Joint Collectors.
- Divisional Level Sub Collector / RDO.
- Mandal Level Tahasildar / RFO.
- G.P. Level G.P. Secretary, VRO.

Institutional Mechanisms



Constitution of Empowered Bodies: FRC

Constitution of Forest Rights Committee

- Section of 6 the Act, authorizes Gram Sabha for initiating the process of determination of Forest Rights
- Further Rule 3 made under the Act, mentions that Gram Sabha would Constitute a Forest Rights Committee, which assist Gram Sabha for determination of nature and extent of Forest Rights
- Section 2 (g) of the Act, defines the term "Gram Sabha" {Gram Sabha means a village assembly which shall consist of all adult members of village}
- Further the Section 2(p) defines the term "Village" { Village means -
 - (i) Clause (b) of Sec. 4 of PESA, or
 - (ii) Other than Schedule Area, Village as defined in the State law, or
 - (iii) Forest Villages, Old habitation or settlements and unsurveyed villages, whether notified as village or not
 - ☐ Quorum 50% of GS Members

Authority for Determination of Forest Rights

• The Gram Sabha shall be the authority to initiate the process for determining the nature and extent of individual or community forest rights or both {Here Gram Sabha includes Village, Hamlets or groups of hamlets, Forest Villages, Unsurveyed Villages, Old habitations or settlements whether notified as village or not}



Constitution of Committees

Functions of Gram Sabha {Rule 4(1)}:

- Initiate the process of determining the nature and the extent of Forest Rights. Receive and hear the claims relating thereto.
- Prepare list of claimants of Forest Rights and maintain register.
- Pass a resolution on claims on Forest Rights and forward the same to the SDLC.
- Consider the resettlement, packages and pass appropriate resolutions.
- Constitute committees protection of the wildlife, forest and biodiversity from amongst its members.

Formation of Forest Rights Committees:

- The Gram Sabha in its first meeting shall elect a committee by name Forest Rights Committee (FRC) from among its members consisting not less than 10 but not exceeding 15.
- One third members shall be STs.
- One third of such members shall be women.
- Literates may be given preference in FRC.
- In Scheduled areas all members of FRC shall be STs only (G.O.102)

Functions of Forest Rights Committee

- Receive, acknowledge and retain the claims in the specified form and evidence in support of such claims;
- Prepare record of claims and evidence including maps
- Prepare a list of claimants on forest rights
- 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;
- Prepare a map delineating the area of each claim indicating recognizable landmarks.
- Record its findings on the claim and present the same to the Gram Sabha for its consideration.

Key Provisions under the Act & Rule related to determination of Forest Rights

- Except Gram Sabha/ FRC, no other committee or any individual officer of any rank shall empower to receive claims
- As per the Rule 4(1), the proforma of claims needs to be available at free of cost
- On a written request of the Gram Sabha or the Forest Rights Committee for information, records or documents, the concerned authorities shall provide authenticated copy of the same [Rule -12(4)]
- On receipt of intimation from the FRC, the officials of the Forest and Revenue departments shall remain present during the verification of claims and the verification evidences on the site and shall sign the proceedings with their designation, date and comments, if any. [Rule 12A(1)]

Key Provisions under the Act & Rule related to determination of Forest Rights

- Quorum as specified under the sub-rule 2 of Rule 4 needs to be adhered while Gram Sabha adopting any resolutions in respect of claim
- As per the rule 12(c) & (d), during determination & verification of rights of pastoralists/ nomadic tribes/ PVTGs/ pre-agricultural communities, their presence needed
- If any objections are made by the Forest or Revenue department at a later date to a claim approved by Gram Sabha for reason that their representatives were absent during field verification, the claim shall be remanded to GS and if the representatives failed to attend the verification process, then GS's decision shall be final.
- The SDLC or DLC shall consider the evidences specified in rule 13 while deciding the claim and shall not insist upon any particular form of documentary evidences

Sub-Division Level Committees (Sec. 6(3) Act, Rule .5):

(i) Sub-Collector / Revenue Divisional Officer	Chairperson
(ii) Sub-Divisional Forest Officers having	Member/Members
jurisdiction over the Revenue Division	
(iii) Three MPTCs, (2 shall be STs preferably those who are forest dwellers or PTGs and where there are no STs 2 members preferably other traditional forest dwellers and one shall be a woman member	Members
(iv) DTWO in case of ITDA Districts or ATWO in case of non-ITDA districts	Member-Secretary

Functions of the Committee:

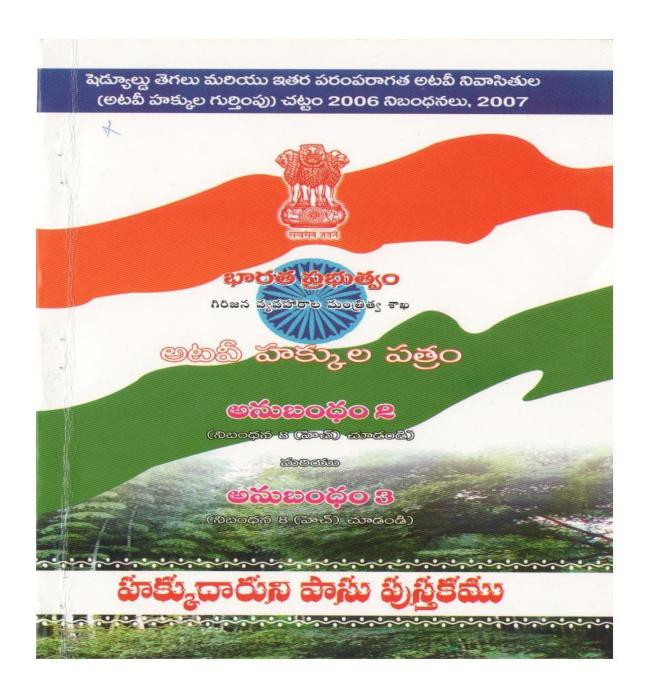
- Provide information to each Gram Sabha about their duties in protection of the Forest.
- Provide Forest and Revenue Maps and Electoral Rolls to the Gram Sabhas or FRC.
- Collate all the resolutions of the concerned Gram Sabhas.
- Consolidate Maps and details provided by the Gram Sabhas.
- Examine the resolutions and the maps of Gram Sabhas to ascertain the veracity of the claims.
- Hear and adjudicate disputes between Gram Sabhas.
- Hear petitions from persons aggrieved by the resolutions by the Gram Sabhas.
- Coordinate with other SDLCs for inter sub-divisional claims.
- Prepare record of proposed Forest Rights.
- Forward the claims with draft record of Forest Rights to DLC.
- Raise awareness among forest dwellers about the procedures laid down in the act.
- Ensure that the Gram Sabhas meetings conducted in free and fair manner.

District Level Committee (Sec.6(5) Act, Rule .7):

(i) District Collector	Chairperson
(ii) District Forest Officers having jurisdiction over the District	Member/Members
(iii) 3 ZPTCs of whom 2 shall be STs preferably those who are traditional forest dwellers or belonging to PTG and where there are no STs, 2 members who are other forest dwellers and one shall be a woman	Members
(iv) PO, ITDA in ITDA Districts or DTWO in case of non-ITDA districts	Member-Secretary

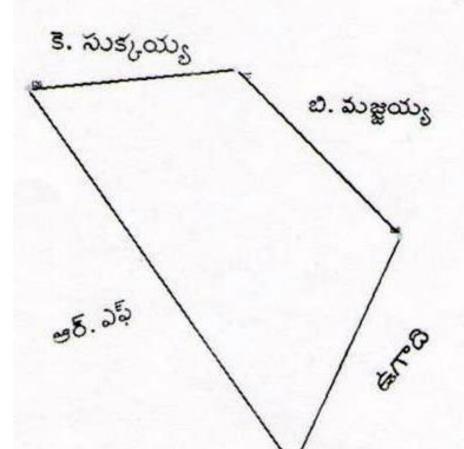
Functions of the Committee:

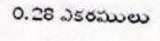
- Ensure that the requisite information under clause (b) of rule 6 has been provided to Gram Sabha or Forest Right Committee.
- Examine whether all claims have been addressed.
- Consider and finally approve the claims and record of Forest Rights prepared by SDLC.
- Hear petitions from persons aggrieved by the orders of the Sub-Divisional Committee.
- Coordinate with other districts regarding inter-district claims.
- Issue directions for incorporation of the forest rights in the relevant Govt.
 records including record of rights.
- Ensure publication of record of Forest Rights.
- Ensure that a certified copy of the record of forest rights and title under the Act is provided to the concerned claimant and the Gram Sabha



1. కూరంగి మదుసుదన రావు, భార్య సీత అచ్చపువలస గ్రామం, వీరఘట్టాం పంచాయితి (సి.సెం: 234)



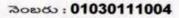




way points

S.no	Lat	Long
126	18.70650	83.62692
127	18.70653	83.62717
128	18.70635	83.62737
129	10.70609	83.62725

2.కురంగి మదుసుదన రావు, భార్య సీత ఆప్పపువలన గ్రామం, వీరఘట్టాం పంచాయితి (సి నెం: 234) 1:491 0.50 ఎకరములు Way points S. no Lat Long 336 18.70311 83.62860 337 18.70330 83.62869 338 18.70326 83.62874 339 18.70331 83.62880 340 18.70339 83.62876 341 18.70348 83.62872 342 18.70365 83.62865 343 18.70351 83.62845 344 18.70331 83.62824 345 18.70316 83.62832 9 Meters





(5) హక్కుల వివరవ ఎులు (ప్రూర్తి వివరణ మరియు పటవుు తదుపరోఎజీలో)

ఎాస్తీర్ణం (ఎకరవుులు మరియు సెంట్ల)

a) సాగు భూమ :

b) ఇంటి స్థలవలు :

C) ಇತ್ ಶವರವ ಎಲು :

మొత్తం : 1.25

(6) రిమార్కులు

చెటలోని సెక్షన 4(4) కింద ఆ హక్కు వాదాసత్వం అన్మాక్రాంతం లేదా బదిలీ చేయటానికి వీలు లేదు. ఆ అటవి హక్కులను ఆంధ్రప్రదేశ్ రాష్ట్ర ప్రభుత్వం తర్వున మేము ద్ర 'పిపికరిస్కూ 'సంతకముల్లువేయడడైనది.

1.25

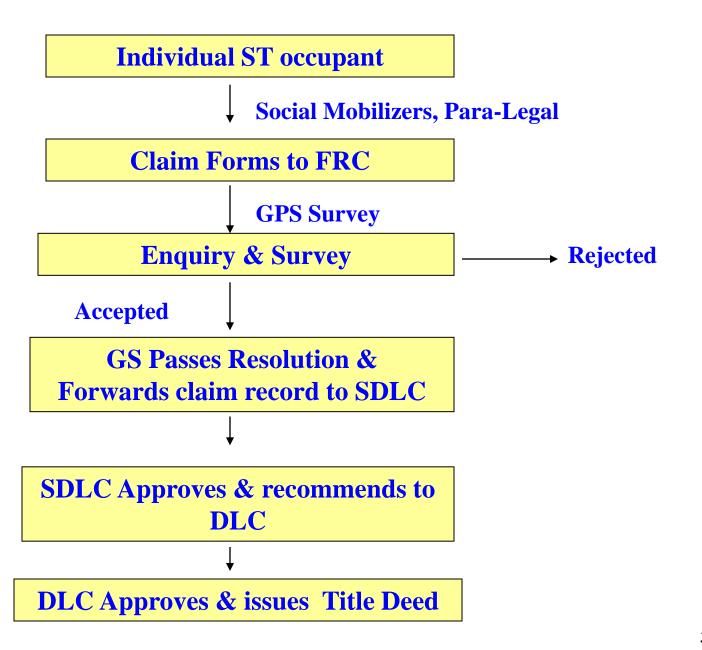
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డప్యూటీ కన్గర్వేటర్ ఆఫ్ ఫారెస్మ

బ్రూజెక్కు ఆఫీసర్

డిడ్డిక్ట్ కలెక్టరు / డప్పాటి కమిషనర్

Implementation Process



State Level Monitoring Committee (Sec.6(7) Act):

(i) Chief Secretary	Chairperson	
(ii) Spl. Chief Secretary, Panchayat Raj Dept.	Member	
(iii) Spl. Chief Secretary, EFS&T Dept.	Member	
(iv) Prl. Secretary, Revenue Dept.	Member	
(v) Secretary (Tribal Welfare)	Member	
(vi) Principal Chief Conservator of Forests, Hyd.	Member	
(vii) 3 ST Members of TAC to be nominated by the Chairman, TAC & Minister (TW)	Members	
(viii) Commissioner/Director of Tribal Welfare	Member-Secretary	

Functions of the Committee:

- Device criteria and indicators for monitoring the process.
- Monitor the process of recognition, verification and vesting of rights.
- Furnish a quarterly report on the process of recognition, verification and vesting of forest rights to the nodal agency.
- Take appropriate action against the concerned authorities (Offences by members or officers of authorities and Committee) under the Act. (Sec.8)
- Monitor resettlement under sub-section (2) of section 4 of the Act.

Catalyst Committee

(i)	Spl. Chief Secretary & CCLA	Chairman
(ii)	Spl. Commissioner (Rev.) O/o CCLA	Member
(iii)	Addl. Prl. CCF (SF)	Member
(iv)	Commissioner, Panchayat Raj	Member
(v)	Commissioner, RD	Member
(vi)	Director, TCR&TI	Member
(vii)	Commissioner/Director, Tribal Welfare	Convener

Functions of the Committee:

- To act as a catalyst for effective implementation of the FRA
- To ensure orderly and expeditious implementation of the RoFR Act in the State.

Right of a Claimant

- Right to get FORM A at free of COST
- Right to get Acknowledgement Receipt
- Right to know the date of verification
- Right to present at the time of verification
- Right to know the verification report on his/ her claim
- Right to know about any modification or rejection of his/her claims
- Right to Appeal against the decisions of Gram Sabha & SDLC pertaining to his/her claim

Grievances Redressal

- (1) Any person aggrieved by the resolution of the Gram Sabha may within a period **60 days** from the date of the resolution file a petition to the Sub-Divisional Committee
- (2) The SDLC 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 **15 days** prior to the date fixed for the hearing.
- (3) The SDLC 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 **30** days, hear the petitioner, pass a resolution on that reference and forward the same to SDLC.
- (5) The SDLC shall consider the resolution of the GS and pass appropriate orders, either accepting or rejecting the petition.
- (6) Without prejudice to the pending petitions, SDLC shall examine and collate the records of forest rights of other claimants and submit the same to the DLC

Grievances Redressal (contd.,)

(7) In case of dispute between two or more Gram Sabhas and an application of any of the GS or the Sub-Divisional Level Committee on its own, shall call for a joint meeting of the concerned Gram Sabhas with a view to resolve the dispute and if no mutually agreed solution can be reached within a period of **30 days**, the SDLC shall decide the dispute after hearing the concerned Gram Sabhas and pass appropriate orders.

Petitions to District Level Committee

- (1) Any person aggrieved by the decision of the SDLC may within a period **60 days** from the date of decision of SDLC file a petition to the DLC.
- (2) The DLC shall fix a date for the hearing and intimate the petitioner and the concerned SDLC in writing as well as through a notice at a convenient public place in the village of the petitioner at least **15 days** prior to the date fixed for the hearing.
- (3) The DLC may either allow or reject or refer the petition to concerned SDLC for its reconsideration.
- (4) After receipt of such reference, the SDLC shall hear the petitioner and Gram Sabha and take a decision on that reference and intimate the same to the DLC.

Grievances Redressal (Contd.,)

- (5) The DLC shall then consider the petition and pass appropriate orders, either accepting or rejecting the petition.
- (6) The DLC shall send the record of forest rights of the claimant or claimants to the District Collector for necessary correction in the records of the Govt.
- (7) In case there is any discrepancy between two or more SDLCs, the District Level Committee on its own, shall call for a joint meeting of the concerned SDLCs with a view to reconcile the differences and if no mutually agreed solution can be reached, the DLC shall adjudicate the dispute after hearing the concerned SDLCs and pass appropriate orders.

Strategic support for Post Recognition of Rights

- To take action to incorporate all the rights in the Revenue Records so as
 to make the right holders eligible for government developmental
 interventions.
- A comprehensive plan for land development and for improving the economics of cultivation in convergence with MGNREGS program\/line departments.
- Irrigation facilities, in convergence with Indira Jala Prabha programme and other economic support programmes of the TW Department.
- The Governments initiative of Rhythu Bandhu Scheme for input support and the proposed Giri vikasam(Land Devt Scheme of TWD)

Awareness

- •Mass awareness campaigns were organised at District level, Mandal Level and Village level on the provisions of RoFR Act and Rules by holding workshops, orientation programmes and engaging kalajathas, posters in vernacular languages and English were displayed at District, Mandal and GP Offices.
- •State level workshops were conducted at Hyderabad to orient the provisions of the Act and Rules.
- •A Road map was issued from time to time for implementation in a Mission Mode.

Thank You

